

7285. Also, petition of C. I. T. Corporation, 100 Park Avenue, New York City, favoring the passage of the Bachmann bill (H. R. 12730) prescribing the procedure for forfeiture of vessels under customs, navigation, and internal revenue laws; to the Committee on the Judiciary.

7286. Also, petition of B. F. Yoakum, New York City, suggesting certain amendments to the McNary-Haugen farm relief bill; to the Committee on Agriculture.

7287. Also, petition of E. S. Reynolds, 111 Broadway, New York City, favoring the passage of the Tyson bill (S. 777) unamended; to the Committee on World War Veterans' Legislation.

7288. Also, petition of the Frontier Development Co., Buffalo, N. Y., favoring the passage of the emergency officers' retirement bill (S. 777); to the Committee on World War Veterans' Legislation.

7289. Also, petition of the Paper Cutters, Binding Machine Operators, and Embossers' Protective Union, No. 119, New York City, favoring the enactment of the Griest postal bill; to the Committee on the Post Office and Post Roads.

7290. By Mr. QUAYLE: Petition of New York State Home Economics Association, favoring the passage of the Reed bill (H. R. 12141) for vocational education; to the Committee on World War Veterans' Legislation.

7291. Also, petition of M. Fine & Sons, of New York, favoring the passage of the Hawes-Cooper bill (H. R. 7729); to the Committee on Labor.

7292. Also, petition of Frontier Development Co., of Buffalo, N. Y., favoring the passage of the Tyson-Fitzgerald bill, for the retirement of emergency officers; to the Committee on Military Affairs.

7293. Also, petition of National Board of Tobacco Salesmen's Association, of New York City, favoring the passage of the Robinson bill (H. R. 668) to amend section 1 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

7294. Also, petition of C. I. T. Corporation of New York City, favoring the passage of the Bachmann bill (H. R. 12730) prescribing the procedure for forfeiture of vessels under the customs, navigation, and internal revenue laws; to the Committee on the Judiciary.

7295. Also, petition of American Association for Labor Legislation, of New York City, favoring the passage of the Blaine bill (S. 3565) providing workmen's compensation for private employees in the District of Columbia; to the Committee on the District of Columbia.

7296. By Mr. SINCLAIR: Letter of C. E. Cunningham, cashier of the Commercial Bank, Williston, N. Dak., against the Oddie bill; to the Committee on the Post Office and Post Roads.

7297. By Mr. WINTER: Resolution re House bill 9956, from G. R. Anderson, commander Travis Snow Post, No. 5, Torrington, Wyo.; to the Committee on Irrigation and Reclamation.

SENATE

SATURDAY, April 28, 1928

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O God, who comest to us in an hour when we think not and in ways we least expect, we thank Thee that Thou hast clothed Thyself in our frail form, hast consented to walk our ways, endure our sorrows, and to taste for us the bitterness of death, look with loving pity upon those who have been called to drink the cup of tears, and be unto them a refuge in this their hour of utmost need.

Breathe into our hearts, O God, by the divine alchemy of Thy grace, such spirit of devotion to our tasks that when our summons comes we may receive that blessing which Thy well-beloved Son shall pronounce to all who love and serve Thee, saying, "Come ye blessed children of my Father, receive the kingdom prepared for you from the beginning of the world." Grant this, O Father, through Jesus Christ, our Mediator and Redeemer. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Shortridge
Barkley	Fletcher	La Follette	Simmons
Bayard	Frazier	Locher	Smoot
Bingham	George	McKellar	Steck
Black	Gerry	McNary	Steiwer
Blaine	Goff	Mayfield	Stephens
Blease	Gooding	Neely	Swanson
Bratton	Gould	Norbeck	Thomas
Broussard	Greene	Norris	Tydings
Bruce	Hale	Nye	Tyson
Capper	Harris	Oddie	Vandenberg
Caraway	Harrison	Overman	Wagner
Copeland	Hayden	Phipps	Walsh, Mass.
Couzens	Heflin	Pittman	Walsh, Mont.
Curtis	Howell	Ransdell	Warren
Dale	Johnson	Robinson, Ark.	Waterman
Deneen	Jones	Sackett	Wheeler
Dill	Kendrick	Schall	
Edge	Keyes	Sheppard	

Mr. GERRY. I wish to announce that the junior Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate by reason of illness in his family.

The VICE PRESIDENT. Seventy-four Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had adopted the following resolution (H. Res. 178):

Resolved, That a committee of the House be appointed to take order for superintending the funeral of Hon. MARTIN B. MADDEN in the House of Representatives at 12 o'clock meridian on Sunday, April 29, 1928, and that the House of Representatives attend the same.

Resolved, That as a further mark of respect the remains of Mr. MADDEN be removed from Washington to Chicago, Ill., in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House communicate these proceedings to the Senate and invite the Vice President and the Senate to attend the funeral in the House of Representatives and to appoint a committee to act with the committee of the House.

Resolved, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the diplomatic corps (through the Secretary of State), the General of the Army, and the Chief of Naval Operations to attend the funeral in the Hall of the House of Representatives.

The message also announced that, pursuant to House Resolution 178, the Speaker appointed the following committee on the part of the House to superintend the funeral of the late Representative MARTIN B. MADDEN, viz: Representatives D. R. ANTHONY, Jr., Kansas; BURTON L. FRENCH, Idaho; W. W. GRIEST, Pennsylvania; FRED A. BRITEN, Illinois; LOUIS C. CRAMTON, Michigan; EDWARD E. DENISON, Illinois; EDWARD J. KING, Illinois; GEORGE H. TINKHAM, Massachusetts; EDWARD H. WASON, New Hampshire; THOMAS S. WILLIAMS, Illinois; WILLIAM R. WOOD, Indiana; MILTON W. SHREVE, Pennsylvania; ERNEST R. ACKERMAN, New Jersey; HENRY E. BARBOUR, California; CARL R. CHINDELOM, Illinois; L. J. DICKINSON, Iowa; GUY U. HARDY, Colorado; FRANK MURPHY, Ohio; WALTER H. NEWTON, Minnesota; JOHN W. SUMMERS, Washington; RICHARD YATES, Illinois; FRANK CLAGUE, Minnesota; M. ALFRED MICHAELSON, Illinois; ELLIOTT W. SPROUL, Illinois; ROBERT L. BACON, New York; WILLIAM P. HOLADAY, Illinois; MORTON D. HULL, Illinois; WILLIAM E. HULL, Illinois; HENRY R. RATHBONE, Illinois; FRANK R. REID, Illinois; ROBERT G. SIMMONS, Nebraska; JOHN TABER, New York; MAURICE H. THATCHER, Kentucky; GEORGE A. WELSH, Pennsylvania; CHARLES ADKINS, Illinois; JOHN C. ALLEN, Illinois; ED. M. IRWIN, Illinois; WILLIAM R. JOHNSON, Illinois; JOHN T. BUCKREE, Illinois; HOMER W. HALL, Illinois; HENRY T. RAINEY, Illinois; ADOLPH J. SABATH, Illinois; JOSEPH W. BYRNS, Tennessee; EDWARD T. TAYLOR, Colorado; JAMES P. BUCHANAN, Texas; WILLIAM B. OLIVER, Alabama; ANTHONY J. GRIFFIN, New York; WILLIAM A. AYRES, Kansas; THOMAS W. HARRISON, Virginia; WILLIAM W. HASTINGS, Oklahoma; THOMAS H. CULLEN, New York; JOHN J. CASEY, Pennsylvania; ROSS A. COLLINS, Mississippi; STANLEY H. KUNZ, Illinois; JOHN N. SANDLIN, Louisiana; WILLIAM W. ARNOLD, Illinois; THOMAS A. DOYLE, Illinois; FRED M. VINSON, Kentucky; J. EARL MAJOR, Illinois; and JAMES T. GOE, Illinois.

The message further announced that the House insisted upon its amendments to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, disagreed to by the Senate, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. REID of Illinois, Mr. CURRY, Mr. ROY G. FITZGERALD, Mr. WILSON of Louisiana, and Mr. DRIVER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 13331) to authorize the President to present the distinguished flying cross to Ehrenfried Gunther von Huenefeld, James C. Fitzmaurice, and Hermann Koehl, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 3437) to provide for the conservation of fish, and for other purposes, and it was signed by the Vice President.

FUNERAL OF THE LATE REPRESENTATIVE MADDEN

Mr. CURTIS. Mr. President, I ask the Chair to lay the resolution from the House before the Senate; and in connection with it I propose a resolution, which I send to the desk and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The Chief Clerk read House Resolution No. 178.

Mr. CURTIS. I ask unanimous consent for the adoption of the resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 211), as follows:

Resolved, That the Senate accept the invitation of the House of Representatives to attend the funeral of Hon. MARTIN B. MADDEN, late a Representative from the State of Illinois, in the House of Representatives at 12 o'clock meridian on Sunday, April 29, 1928, and that a committee of 10 Senators be appointed by the Vice President to act with the committee appointed by the House of Representatives to take order for superintending the funeral.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was unanimously agreed to; and the Vice President appointed as members of the committee on the part of the Senate Mr. DENEEN, Mr. CURTIS, Mr. ROBINSON of Arkansas, Mr. WARREN, Mr. OVERMAN, Mr. SMOOT, Mr. WALSH of Montana, Mr. McNARY, Mr. HARRISON, and Mr. STECK.

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it shall take a recess until 11.45 to-morrow for the purpose of enabling the Senate to attend the funeral in a body, and that at the conclusion of the funeral services the Senate shall stand adjourned until Monday at 12 o'clock noon.

The VICE PRESIDENT. Is there objection to the order requested by the Senator from Kansas? The Chair hears none.

EQUITABLE USE OF WATERS OF LOWER COLORADO RIVER

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, in response to Senate Resolution 181, agreed to April 20, 1928, copies of all correspondence on file in the Bureau of Reclamation regarding the equitable use of the waters of the lower Colorado River and the Rio Grande, which, with the accompanying papers, was ordered to lie on the table.

RIKER MISSISSIPPI SPILLWAY PLAN FOR FLOOD CONTROL

The VICE PRESIDENT laid before the Senate a communication from the Chief of Engineers, War Department, reporting in response to Senate Resolution 206, agreed to April 25, 1928 (submitted by Mr. FRAZIER), relative to the Riker Mississippi spillway plan for flood control, which was referred to the Committee on Commerce and ordered to be printed in the Record, as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 28, 1928.

The PRESIDENT OF THE SENATE,

Washington, D. C.

SIR: Referring to the resolution passed by the Senate April 25, 1928, requesting the Chief of Engineers to report to the Senate upon the merits of the Riker Mississippi spillway plan for flood control, I attended the hearing of the Committee on Commerce on February 11, 1928, and heard Mr. Riker describe to the committee his Mississippi spillway plan for flood control. My comments thereon are printed on pages 652 and 653 of the hearings before the Committee on Commerce, United States Senate, Seventieth Congress, first session, part 3.

On April 16 I examined the model of the Riker spillway plan on exhibition in the basement of the Senate Office Building.

Flood ways for the relief of the main river below the mouth of the Arkansas are essential for flood control of the Mississippi if the maximum possible flood is to be protected against. But flood ways in the St. Francis or Yazoo Valleys are not an essential part of the plan and would result in claims for damages as lands have not been subject to overflow frequently in recent years.

The levees proposed along the Riker flood ways are in my opinion too high for safety, and the estimated cost for the whole project—\$785,000,000—is too low. The low unit cost for earthwork is out of line with the experience of contractors and of the Government on work of a similar nature. The dredge proposed by him for use in building these levees is of a design that has not been proved. Drainage of the alluvial valley itself would be expensive and unsatisfactory, as most of the water would have to be pumped. The proposed dams would be expensive and uncertain in their operation. There are other matters of hydraulics and engineering, such as capacity and velocity of flow in the spillway and erosion of the bed and banks of the spillway, that are open to objection, as, for example, the natural slope of the ground from Red River to the Gulf of Mexico is very small, and a cleared flood way 3 miles wide with such a small slope will have insufficient capacity to carry the water brought to it from above, and therefore more water would be thrown down the main Mississippi River and pass New Orleans than can be carried in its channel between existing levees.

In general the plan would involve much greater costs than are necessary to a sound solution and can not be depended upon to secure the desired results.

Respectfully,

EDGAR JADWIN,

Major General, Chief of Engineers.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the New Jersey Annual Conference of the Methodist Episcopal Church at Atlantic City, N. J., favoring the establishment of a bureau of peace to promote the best possible relationships with all nations, which was referred to the Committee on Foreign Relations.

Mr. COPELAND presented a resolution adopted by the West End Citizens Association, of Washington, D. C., indorsing Senate bill 3107 to regulate the practice of the healing art to protect public health in the District of Columbia, which was ordered to lie on the table.

Mr. JONES presented a petition of sundry citizens of Spokane, Wash., praying for the prompt passage of Senate bill 860, the so-called McKellar-Fitzgerald bill, allowing credit to postal and substitute postal employees for time served in the Army, Navy, or Marine Corps of the United States, which was referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented resolutions adopted by the Lions Club of Casper and Saratoga, in the State of Wyoming, favoring the passage of legislation providing for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. FESS presented petitions numerously signed by sundry citizens of the State of Ohio, praying for the passage of the so-called Gillett resolution, being the resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

Mr. LOCHER presented petitions numerously signed by sundry citizens of the State of Ohio, praying for the passage of the so-called Gillett resolution, being the resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution adopted by the Ashland Community Club, of Ashland, Kans., favoring the passage of the so-called Capper universal draft bill, which was referred to the Committee on Military Affairs.

Mr. WALSH of Massachusetts presented a petition of sundry members of the Woman's Interdenominational Union of Philadelphia, in annual session, April 23, 1928, authorizing the indorsement by the union, representing 52,129 members of various religious denominations throughout the United States and 23 interdenominational groups, of Senate Joint Resolution 122, providing for the reunion of families of alien declarants, and praying for its passage, which was referred to the Committee on Immigration.

He also presented telegrams signed by Miss Esther L. Anderson, general secretary Young Women's Christian Association, Springfield, Mass.; Mrs. A. J. Armstrong, president Adult Class First Unitarian Church, Erie, Pa.; and Miss Violet C. Baur, secretary League of Women Voters of Erie County, Pa., and letters from Sundry citizens of Dorchester, Mass., Detroit, Mich., and Los Angeles, Calif., all praying for the passage of Senate Joint Resolution 122, providing for the reunion of families of alien declarants, which were referred to the Committee on Immigration.

He also presented letters, in the nature of petitions, from Miss Frances C. Moore, executive secretary Young Women's Christian Association, Worcester, Mass.; Mrs. W. Spore, secre-

tary Young Women's Christian Association, Austin, Tex.; Mrs. Joel B. Davis, chairman Kensington Branch, Young Women's Christian Association, Philadelphia, Pa.; Mr. Aaron M. Lopez, executive director Jewish Welfare Society, Erie, Pa., and petitions of sundry citizens and members of the Young Women's Christian Association, Milwaukee, Wis., and Philadelphia, Pa.; the Yale Graduates' Discussion Group, New Haven, Conn., and the Woman's Center, Young Women's Christian Association, Detroit, Mich., all praying for the passage of Senate Joint Resolution 122, providing for the reunion of families of alien declarants, which were referred to the Committee on Immigration.

PERMANENT COURT OF INTERNATIONAL JUSTICE

Mr. SHORTRIDGE. Mr. President, I present a petition accompanied by a letter addressed to me from Mr. George M. Day, of the department of economics and sociology of the Occidental College, Los Angeles, Calif. The petition is signed by the members of the faculty of the college, the purport being that the United States adhere to the Court of International Justice. I move that the petition be referred to the Committee on Foreign Relations and printed in the RECORD with the names of the signers.

There being no objection, the petition and accompanying letter were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD with the signatures attached, as follows:

OCCIDENTAL COLLEGE,
Los Angeles, Calif., April 25, 1928.

DEAR SENATOR SHORTRIDGE: May I commend to your interest the attached petition forwarded by the members of Occidental College to you in the hope that their interest in the Gillett resolution will be shared by you.

May we respectfully request that this petition, with its complete names of signatures, be inserted in the CONGRESSIONAL RECORD, where it will undoubtedly prove of interest to the other Members of the Senate.

Respectfully,

GEORGE M. DAY,
Department of Economics and Sociology.

OCCIDENTAL COLLEGE,
Los Angeles, Calif.

The undersigned members of the faculty of Occidental College hereby express deep interest in the adherence of the United States to the Permanent Court of International Justice and urge every member of the Foreign Relations Committee to support the following Gillett resolution:

Resolution

Whereas the Senate on January 27, 1926, by a vote of 76 to 17 gave its advice and consent to the adherence of the United States to the Permanent Court of International Justice upon certain conditions and with certain reservations; and

Whereas the signatory States in transmitting their replies reversed to "such further exchange of views as the Government of the United States may think useful": Therefore be it

Resolved, That the Senate of the United States respectfully suggests to the President the advisability of a further exchange of views with the signatory States in order to establish whether the differences between the United States and the signatory States can be satisfactorily adjusted.

Signers of resolution, Occidental College, Los Angeles, Calif.:

Remsen D. Bird, president of the college; Thomas G. Burt, dean of the college; Irene T. Myers, dean of women; Wallace Emerson, assistant professor of education; Ernestine A. Kinney, instructor of education; Lowell J. Chawner, registrar; John Parke Young, professor of economics; Robert G. Cleland, vice president and professor of history; Julia A. Opal, director of student activities; Arthur G. Coons, assistant professor of economics; James Huntley Sinclair, professor of education; George M. Day, professor of economics and sociology; G. A. Thompson, associate professor of English; B. F. Stelter, professor of English; Wm. B. Allison, professor of Spanish; F. W. Brid, professor of political science; Wm. G. Bell, professor of French; J. Hudson Ballard, professor of religion; Ernest E. Allen, professor of mathematics; D. J. Teviotdale, instructor in economics; Hugh S. Lowther, professor of Latin; Martin J. Stormzand, professor of education; Elbert E. Chandler, professor of chemistry.

FLOOD CONTROL

Mr. FRAZIER. I present resolutions recently adopted by the board of direction of the American Society of Civil Engineers, relative to the Mississippi flood-control problem. I think the petition is very apropos at this time, the flood control bill

being before the Senate and House. I ask that the resolutions be printed in the RECORD and lie on the table.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions regarding control of Mississippi River floods unanimously adopted by the board of direction of the American Society of Civil Engineers

Whereas the control of Mississippi River floods affects important interests other than navigation, including agriculture, railway and highway transportation, the operation of industry and business, and the water supply and sanitation of municipalities; and

Whereas many features of the proposed control and regulating works will be unprecedented in design and magnitude, and will cost much more than any works heretofore undertaken by the Federal Government; and

Whereas no representative commercial or industrial organization would undertake a task of comparable nature without the most thorough review and analysis of the character, details, and scope of the proposed plans by competent agencies independent of the personnel selected for the accomplishment of the task: Now, therefore, be it

Resolved, That the board of direction of the American Society of Civil Engineers—

First. Commends the President for his position in insisting upon the very important principle of local participation in the cost of protection, in proportion to the benefits derived, and in proportion to the resources and responsibilities of the interests affected;

Second. Approves the principle of placing the responsibility for construction in an executive department;

Third. Inasmuch as a great amount of flood-control work on the Mississippi River remains unfinished, which already has been approved by the Congress or is generally agreed upon as essential to any comprehensive plan, that the Congress be requested to make appropriations without delay for such work, to be constructed at once without waiting for the completion of a general plan;

Fourth. Earnestly recommends the creation of a board of at least nine disinterested engineers, chosen by the President for their outstanding training, experience, and accomplishments in hydraulic and river-control problems, and in the design, organization, and construction of large and important public works—this board to confer with the departmental officials responsible for the preparation of plans, and to make a complete review and analysis and a report to the Congress on the scope and the technical and economic features of the comprehensive plan and program;

Fifth. In view of the paucity of data, incompleteness of surveys, and lack of information necessary for solving many controversial features of the Mississippi River problems, that Congress be requested to authorize and appropriate sufficient funds for such studies, and the creation of such a board to carry on such work and to report to the next Congress.

HYDRAULIC MINING INVESTIGATIONS, CALIFORNIA (S. DOC. NO. 90)

Mr. JONES presented a letter from Maj. Gen. Edgar Jadwin, Chief of Engineers, relative to hydraulic mining investigations in the State of California, which, with the accompanying reports and data, was ordered to be printed as a document with illustrations.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 10139) for the relief of Edmund F. Hubbard, reported it without amendment and submitted a report (No. 919) thereon.

Mr. McKELLAR, from the Committee on the Library, to which was referred the bill (S. 3171) providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States, reported it without amendment and submitted a report (No. 920) thereon.

Mr. NYE, from the Committee on Claims, to which was referred the bill (H. R. 3029) for the relief of Vern E. Townsend, reported it without amendment and submitted a report (No. 921) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 3752) to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926, reported it without amendment and submitted a report (No. 922) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (H. R. 12381) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such

soldiers and sailors, reported it with amendments and submitted a report (No. 923) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4216) to authorize the adjustment and settlement of claims for armory drill pay (Rept. No. 924); and

A bill (S. 4235) to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926 (Rept. No. 925).

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On April 27, 1928:

S. 1368. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Martha A. Hauch; and S. 2900. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On April 28, 1928:

S. 3437. An act to provide for the conservation of fish, and for other purposes.

DISTINGUISHED-FLYING CROSS

Mr. BINGHAM. Mr. President, from the Committee on Military Affairs I report back favorably, with amendments, the bill (S. 4218) to authorize the President to present the distinguished-flying cross to Ehrenfried Gunther von Huenefeld, James C. Fitzmaurice, and Hermann Koehl. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Connecticut?

Mr. BLEASE. Mr. President, I object.

Mr. ROBINSON of Arkansas. Mr. President, I hope the Senator from South Carolina will not object to the consideration of the bill.

Mr. BLEASE. I am coming to the belief that this question of hero worship has gone far enough, and I do object.

Mr. BINGHAM. Mr. President, will the Senator permit me to make a brief explanation?

Mr. BLEASE. I have no objection to that.

Mr. BINGHAM. When we passed the bill with regard to the distinguished-flying cross we made no provision permitting the President to present it to any aviators except those in the Army, Navy, and Marine Corps. There was no provision made to permit us to give it to distinguished foreign aviators who might arrive in this country.

May I say to the Senator from South Carolina that whenever any of our aviators have crossed the ocean into foreign lands, either the first naval aviators to cross the north Atlantic, Commander Read and his friends, or Colonel Lindbergh, or Chamberlin, or any of the others, when they have arrived in foreign countries it has been the universal custom of the governments of those countries to give our aviators decorations? It is only a matter of common courtesy, it seems to me, that we should be permitted to do the same thing in return.

Since the law at present does not permit it, we have incorporated in the bill, reported unanimously from the Committee on Military Affairs, although the Senator from South Carolina was not present at the meeting, a provision permitting the President to give the distinguished-flying cross to the Italian, Col. Francesco de Pinedo, who made his wonderful flight last summer, and to the Frenchmen, Lieut. Commander Joseph Le Brix and Lieut. Diendonne Costes, who were received on the floor of the Senate not very long ago, as well as to the two German aviators and the Irish aviator who are at present our guests in Washington.

In view of the fact that this is only a matter of international comity, reciprocating the courtesies which our own aviators have received in foreign lands, I hope very much my good friend the Senator from South Carolina will be willing to withdraw his objection.

Mr. ROBINSON of Arkansas. Mr. President, I wish to make a brief statement. I trust there will be no objection to the consideration of the bill. It is a recognition of the achievements of these distinguished foreigners which I regard as peculiarly appropriate at this time. It would be, in my judgment, regrettable if the recognition contemplated by the bill should be denied. I ask the Senator from South Carolina if he will not withdraw the objection and permit the Senate to consider the bill?

Mr. BLEASE. No; I will not withdraw the objection.

Mr. ROBINSON of Arkansas. Then I give notice that when the opportune time arrives I shall move the consideration of the bill.

Mr. BLEASE. Mr. President, when this Congress favors a bill which will allow honors to our boys, which will allow our boys who went across the water and fought and who have been certified for bravery, to receive the honors due them as shown by those certificates which are now in the office of the Secretary of War, then I shall consent to the further bestowal of honors of this kind. I think before we go so far as to continually pass bills here conferring medals of honor and crosses of honor and other such things upon people of foreign governments we owe fair treatment to our boys who went abroad to fight for this country—one of whom is a Member of this body—and who have been cited for bravery; and yet Congress sits here year after year giving them no opportunity to receive their citations.

I think it is high time for the Senate and for the body at the other end of the Capitol to give recognition to the American boys who have already been cited for bravery, but who have been deprived of receiving the honors which should be conferred upon them. I think it is time for the Senate to stop the conferring of honors upon people of other nations and to look after our own American boys who have been cited for bravery and who certainly should have the honors recommended conferred upon them.

I have no objection to the bill, so far as the bill itself is concerned, but I do object to going on and on in this way, and at the same time choking off and refusing to give identical honors to American boys, and still conferring them upon foreigners. That is the reason why I object. I am willing that the American people should know my objection and my reason. I am willing to go back to my people, who have boys entitled to citations, and ask them whether they are willing to continue to confer honors upon foreigners and at the same time, after their sons have been cited for bravery, not permit them to receive the honors which have been recommended for them or to receive the recognition which their officers have said they deserve.

Mr. President, I ask permission to have inserted as a part of my remarks a message I sent to Colonel Lindbergh at Paris, France, at the time of his flight.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

COLUMBIA, S. C., May 21, 1927.

LINDBERGH,

Paris, France:

I congratulate you upon your success. Wish we had more Americans like you who trust in their own knowledge and their God for success and receive dictation from no one.

COLE L. BLEASE.

Mr. ROBINSON of Arkansas. Mr. President, I am anxious to afford to American soldiers and veterans every recognition which may be appropriately accorded them. I do feel that it would be very unfortunate to deny the recognition carried in this bill because of the failure of any Senator or Senators to present measures here appropriately recognizing the services of American soldiers and sailors.

I do not know whether it is permitted under the procedure of the Senate at this juncture to make the motion which I said a moment ago I would make. I inquire whether it is in order?

The VICE PRESIDENT. Under Rule XXVI action would have to be postponed for one day if objection was made.

Mr. ROBINSON of Arkansas. Very well. I give notice that if the Senator from South Carolina persists in his objection, I shall move, unless some other Senator makes the motion, to proceed to the consideration of the bill when it is permissible to do so. I regret that the recognition to which I believe these great aviators are entitled should be denied them for any length of time by arbitrary objection made in the Senate.

Mr. FESS. Mr. President, in my judgment there has never been any achievement more inspiring than that which some of these aviators have accomplished; and I should like to have this expression made at this time, if the Senator from South Carolina will be kind enough to withdraw his objection.

Mr. BLEASE. Mr. President, having made the point which I wished to impress on the American people as to the neglect of their own children, I will withdraw the point.

Mr. ROBINSON of Arkansas. I thank the Senator.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Military Affairs, with an amendment, to add at the end of the bill the following clauses:

That the President be, and is hereby, authorized to present the distinguished-flying cross to Col. Francesco de Pinedo in recognition of his

extraordinary achievement in making an aerial journey of 25,000 miles by flying boat in the course of which he arrived in the United States by air from Rome.

That the President be, and is hereby, authorized to present the distinguished-flying cross to Dieudonne Costes and Joseph Le Brix in recognition of their extraordinary achievement in an aerial journey of 35,000 miles in the course of which they arrived in the United States by air after making the first nonstop flight across the South Atlantic.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "To authorize the President to present the distinguished-flying cross to Col. Francesco de Pinedo, Dieudonne Costes, Joseph La Brix, Ehrenfried Gunther von Huenefeld, James C. FitzMaurice, and Hermann Koehl."

COL. CHARLES A. LINDBERGH

Mr. FESS. Mr. President, I desire to make an inquiry of the Senator from Arkansas.

The Senator from Arkansas introduced a bill in regard to Colonel Lindbergh as to striking a medal. We passed it unanimously, and it went over to the House. There another measure similar to it, I think identical, was introduced, and the House passed the House measure. Instead of acting upon our bill they sent the House joint resolution back here.

Mr. ROBINSON of Arkansas. Mr. President, to me it is inexplicable that with a bill passed unanimously through this body, the body at the other end of the Capitol would fail to take action on the Senate bill, after the Senate bill had been received by the House of Representatives, and proceed to the consideration of a House measure.

The littleness of spirit that is involved in that course can not, however, be characterized appropriately under the rules of the Senate; and I shall be glad to move the consideration of the House joint resolution if the procedure in the Senate permits that action at this time. I ask unanimous consent that the Committee on the Library be discharged from the further consideration of the House joint resolution and that the Senate proceed now to its consideration.

Mr. FESS. The committee have already acted favorably on it.

Mr. BRUCE. Mr. President, may I ask what measure this is?

Mr. ROBINSON of Arkansas. This is a House joint resolution to confer a medal on Colonel Lindbergh. The Senate had already passed a bill introduced by myself, and sent that bill to the House. The House took no action on the Senate bill, but passed a House joint resolution, which is similar, and I now ask unanimous consent for the present consideration of the House joint resolution.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. FLETCHER. Mr. President, do I correctly understand that the Senator from Ohio has reported the joint resolution?

Mr. FESS. The joint resolution was acted upon by the committee; but the procedure of the House was so unusual that the committee asked me not to report it until I got the consent of the author of the Senate bill. We are ready to report it at any time.

Mr. ROBINSON of Arkansas. I ask, then, that the committee be discharged from the further consideration of the joint resolution and that it be put on its passage.

Mr. HEFLIN. Are the measures identical?

Mr. ROBINSON of Arkansas. No; they are not identical, but they are very similar.

Mr. FESS. Mr. President, I ask for a few moments' delay, until I can get hold of the joint resolution.

Mr. ROBINSON of Arkansas. Why not let us pass it? I ask unanimous consent that the committee be discharged from the further consideration of the House joint resolution and that the Senate proceed to its consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 192) to provide for the coinage of a medal in commemoration of the achievements of Col. Charles A. Lindbergh, which was read, as follows:

Resolved, etc., That in recognition of the achievements of Col. Charles A. Lindbergh the Secretary of the Treasury is authorized and directed to cause to be struck and presented to Col. Charles A. Lindbergh a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary. For such purpose there is authorized to be appropriated the sum of \$1,500.

SEC. 2. The Secretary of the Treasury shall cause duplicates in bronze of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor), and the appropriations used for carrying out the provisions of this section shall be reimbursed out of the proceeds of such sale.

Mr. BINGHAM. Mr. President, the House joint resolution is not as good a measure as the one which the Senator from Arkansas introduced. It seems to me that the joint resolution ought to be amended so as to conform to the measure which the Senator from Arkansas introduced and which the Senate passed. The Treasury Department, as I understand, has reported that the House joint resolution is not in as good form as was the bill presented by the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I know; but I would not withhold for one hour a recognition to Colonel Lindbergh because of the obstinacy of the body at the other end of the Capitol. I do not want to be in the attitude of taking that course.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOLD-STAR MOTHERS

Mr. BRATTON. Mr. President, may I have the attention of the Senator from Connecticut [Mr. BINGHAM]? While we are discussing subjects of the character of those that we have been talking about, I call the attention of the Senator from Connecticut to a bill, H. R. 5494, commonly called the gold-star mothers' bill. It passed the House more than two months ago. It is still pending before the Committee on Military Affairs in the Senate. The session is drawing toward its close. I am so much interested in the passage of that bill in some appropriate form that I am prompted to ask the Senator from Connecticut what the prospects are for allowing the Senate to consider that measure at some reasonably early date.

Mr. BINGHAM. Mr. President, the bill to which the Senator refers is now before a subcommittee of which I am a member, and it would have been considered earlier had we not had a great many other matters before us. It is the intention of the subcommittee to consider the bill at an early date. I will say to the Senator that there are a good many objections to it; there are a good many amendments that have been suggested; there are people who desire to be heard, and it is our intention to have a hearing at an early date.

Mr. BRATTON. With that assurance, I shall make no further observation about that measure now, but I take occasion, while I have the floor, to say that I think legislation of that nature is sufficiently important that it must receive the attention of the committee and the Senate itself before this session of the Congress adjourns. I am sure the Senator from Connecticut will see that expedition is had in connection with the bill before the committee.

LINCOLN ELLSWORTH

Mr. COPELAND. Mr. President, I am so much in sympathy with what has been done this morning with reference to the foreign fliers and Colonel Lindbergh that I did not rise before to speak about another matter, but we have pending before us a proposal to give a medal to Lincoln Ellsworth.

Sometimes we forget our own heroes. Here is a man who went over the North Pole, and his companion was honored by his government—a foreign government—while we have done nothing. I assume, from what I am told by the Senator from Connecticut [Mr. BINGHAM]—who seems to be in charge of all honors to aviators—that there is pending, in process of formulation, a bill which will take care of Lincoln Ellsworth. Am I correct in that assumption, may I ask the Senator from Connecticut?

Mr. BINGHAM. Mr. President, the Senate Military Affairs Committee has had under consideration several bills for giving medals to American aviators for their heroic flights. At present the chairman of the committee is not here, but my recollection is that at a recent meeting of the committee it was determined to put into one bill all American aviators who were deemed deserving of the thanks of Congress; and I suggested to the Senator from New York that the name of Lincoln Ellsworth might, with propriety, be included in that omnibus bill.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator from Connecticut is going to object to the consideration of this bill at this time, I want to serve notice upon him that it is my intention to move to discharge the committee from the consideration of Senate bill 3919, and to proceed to its consideration.

This bill has been pending here for a long time, and is now pending on the calendar. I have received a letter which, unfortunately, I have not at hand just now, not anticipating that these matters would be raised this morning, from Commander Richard E. Byrd, whose name is well known to all Senators

and to almost every citizen of the United States as one of the greatest explorers of modern times, pointing out the fact that this recognition to Lincoln Ellsworth ought to have been accorded more promptly than it is being done.

I ask the Senator from Connecticut if he will not permit the Senate to dispose of this matter at this time?

Mr. BINGHAM. Mr. President, I hope the Senator will withdraw that request.

Mr. ROBINSON of Arkansas. I will not withdraw the request; and I intend to move at the first opportunity to discharge the committee from the consideration of the bill, and to proceed to its consideration.

Mr. BINGHAM. Mr. President, the bill to which the Senator refers is not before the committee. It is on the calendar.

Mr. ROBINSON of Arkansas. Then I shall move to proceed to the consideration of the bill on the calendar. The Senator's correction is justified.

Mr. FLETCHER. Mr. President, I think the motion is out of order.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas.

Mr. FLETCHER. I call for the regular order.

The VICE PRESIDENT. The motion is not in order until 1 o'clock.

Mr. ROBINSON of Arkansas. I realize that, and that the Senator from Florida and the Senator from Connecticut, by objecting, can postpone the consideration of this bill; but I give notice now that when it is in order I shall move its consideration.

Mr. FLETCHER. There is no reason for giving any notice of that sort, because it could be done anyhow; but what I wanted to say to the Senator from Arkansas is that there is a question before the Senate Military Affairs Committee as to the exact form of the honor which was intended to be bestowed.

Mr. ROBINSON of Arkansas. Why, the complete answer to that statement is that the Committee on Military Affairs has reported the bill.

Mr. BINGHAM. Mr. President, the Senator is mistaken. It was reported from the Committee on Commerce.

Mr. FLETCHER. We want, if we can, to follow some harmonious procedure here. In other words, what we are trying to do is to bestow proper recognition on these heroes, these men of great courage and fortitude and skill; but we want to make it uniform and confer the same sort of honor, the same sort of medal, the same sort of distinction, or, perhaps, the same sort of recognition, in one case as we do in others.

In some bills a medal is provided for. In other bills something else is provided for—the thanks of Congress, or a decoration, and that sort of thing. What is troubling the Committee on Military Affairs has been to make this legislation uniform. Am I not correct in that?

Mr. BINGHAM. That is correct.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. FLETCHER. Yes.

Mr. ROBINSON of Arkansas. When I proposed to have the Committee on Military Affairs discharged from the consideration of the bill, I was informed by the Senator from Connecticut that it was not necessary to do that, because the bill is on the calendar, having already been reported. Now, it appears that it has been reported from one great committee of the Senate, and that the Committee on Military Affairs has withheld action on the bill since the 5th of December, 1927, when the bill was referred to the committee.

I think it is high time that this bill should be disposed of. I do not believe that it would be adequate under the circumstances to pass an omnibus bill recognizing a great many other aviators in connection with the achievement of this very distinguished person. I have sent to my office for the letter to which I referred a few moments ago. When it reaches the Senate I shall ask to have the letter read at the clerk's desk.

This is a proposal to recognize one of the greatest achievements of modern times by a renowned American aviator. It authorizes the granting of a gold medal to Lincoln Ellsworth, the distinguished American explorer, who made a polar flight in 1925 and a transpolar flight in 1926.

I doubt if the records of modern times contain a more thrilling and interesting story than that which relates to the achievements of Lincoln Ellsworth. Through storms and the unvoyaged currents of the air, in company with distinguished foreign aviators, after he had been unable to secure financial support and assistance from his own country and the people of his own country, he succeeded in this polar flight.

Lincoln Ellsworth is a modest man, who has never rushed into the public press as a means of exploiting his triumphs.

He has never sought any recognition here or elsewhere. He has been content to remain in practical obscurity.

When men like Commander Byrd feel aggrieved at the failure of the Congress to volunteer appropriate and admittedly deserved recognition to brave, daring men like Lincoln Ellsworth, if we are going to pursue or continue the policy of conferring special medals on men who perform extraordinary achievements, we ought to do this, and we ought to do it without delay.

We do not have to discharge the committee, because the committee—one of the great committees of the Senate—has reported favorably, and I have heard it said by some who now stand in the way of the passage of this bill that the bill should not pass because Lincoln Ellsworth braved the perils of the polar storms in company with foreign aviators. This morning I appealed to the Senate to authorize the President to confer a medal on a group of foreign aviators. Objection was temporarily made because we should first recognize men like Lincoln Ellsworth.

For four months this bill has been in the pigeonholes of the Committee on Military Affairs.

Mr. BINGHAM. Mr. President, will the Senator permit me to interrupt him?

Mr. ROBINSON of Arkansas. I yield.

Mr. BINGHAM. The Senator is mistaken. The bill was never referred to the Committee on Military Affairs. The Senator has it mixed up with some other bill; I do not know what measure. The bill originated in the Committee on Commerce and was very properly reported by that committee. It was never pigeonholed anywhere. It has been on the calendar for some time. The Committee on Military Affairs has never had anything to do with it.

Mr. ROBINSON of Arkansas. I thought I was following the correction the Senator from Connecticut made during an early period of my remarks.

Mr. BINGHAM. Will the Senator yield at that point?

Mr. ROBINSON of Arkansas. If the bill has been reported by a committee, and the jurisdiction of the committee has not been challenged, I do not know why we should wait for another committee, to which the bill has not been referred, according to the statement of the Senator from Connecticut, to take some action, which it may or may not take, merely because the Senator from Connecticut is on that committee. What jurisdiction has the Military Affairs Committee of this bill if the bill has never been referred to it? And why should the Military Affairs Committee insist on preventing action upon it?

Mr. WARREN. Mr. President, will the Senator yield to me?

Mr. ROBINSON of Arkansas. I yield, of course.

Mr. WARREN. I never heard of the bill in the Committee on Military Affairs, as far as I am concerned; so I judge it never has been before the committee. I wish to say that I shall support the measure which the Senator from Arkansas apparently proposes now to bring up.

Mr. ROBINSON of Arkansas. I thank the Senator from Wyoming. He displays his usual spirit of good will, fairness, and frankness.

Mr. COPELAND. Mr. President, will the Senator from Arkansas yield?

Mr. ROBINSON of Arkansas. I yield.

Mr. COPELAND. I hope there will be no question about the passage of this bill. I want to say to the Senator from Arkansas that the bill was reported at the last session of Congress, and was on the calendar. Then it was considered again by the Committee on Commerce, and, in deference to the Senator from Connecticut, certain changes were made in the bill. There is no reason in the world why the bill should not be acted on at to-day's session.

Mr. ROBINSON of Arkansas. Mr. President, we have gone out of our way this morning, properly, as I insisted, to recognize by medal the services and achievements of foreign aviators.

Mr. MAYFIELD. Mr. President, if the Senator will yield, speaking about measures being referred to the Committee on Military Affairs, I direct attention to the fact that the measure known as the gold-star mothers' measure, which passed the House some time ago, providing for a pilgrimage to the battle fields of France of the mothers of American soldiers who gave up their lives in France, has been referred to a subcommittee of the Committee on Military Affairs, and I understand that it is impossible to get a hearing on it.

Mr. ROBINSON of Arkansas. Mr. President, we have a most amazing situation here. The bill of which I am speaking was introduced in the Senate by the Senator from New York [Mr. COPELAND], referred to the Committee on Commerce, and by that committee favorably reported. No member of the Committee on Military Affairs, or any other Senator, ever raised

any question as to the jurisdiction of the Committee on Commerce.

As I understand it, the Committee on Military Affairs neither took nor attempted to take any action. The bill is on the calendar; it is not before the Committee on Military Affairs. A motion will be required to refer it to that committee, to give the Military Affairs Committee the right even to consider the bill. That motion has not been made, and it is not proposed to be made now.

I feel justified in taking the position that if the Congress is to confer this honor, it ought to do it graciously. A perusal of the letter from Commander Byrd, to which I have referred and which I shall presently ask to have read to the Senate, will disclose just how little it is for us, while conferring medals on renowned foreign aviators, to deny a medal to an American, whose achievement was unparalleled in the history of the United States, merely because he was compelled to take flight in a foreign machine and to associate himself with foreign aviators.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I yield.

Mr. BRATTON. The bill has received action by the Committee on Commerce and never has been referred to the Committee on Military Affairs.

Mr. ROBINSON of Arkansas. That is true.

Mr. BRATTON. May I inquire of the Senator in what way the Committee on Military Affairs, or any member of that committee, is now attempting to preclude action on the bill?

Mr. ROBINSON of Arkansas. By objecting to the consideration of this bill and forcing me to make the motion I am going to make just as soon as the opportunity arises.

Mr. President, I now ask that there be read to the Senate the letter from Commander Byrd to which I have referred.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

BYRD ANTARCTIC EXPEDITION,
Boston, Mass., April 2, 1928.

Senator JOSEPH T. ROBINSON,

United States Senate, Washington, D. C.

MY DEAR SENATOR: Here is the information concerning Lincoln Ellsworth:

It gives me much pleasure to send it to you, and I trust it will be of some value.

Lincoln Ellsworth has always been an idealist and a dreamer. Even as a youngster he dreamed of exploring. His mind turned to the Arctic.

His first chance came in 1913 when George Borup selected him as the third member, along with McMillan, of the original Crocker Land expedition, but lost his chance to go when Borup was drowned a few weeks before the expedition was due to start.

Previous to meeting Borup, Ellsworth was connected for five years with the Grand Trunk Pacific Railway as an engineer on most of their exploration surveys looking for a route across the continent.

When Ellsworth learned that Peary advocated the use of airplanes for exploration in the Arctic he obtained an introduction to him from Henry Fairfield Osborne. He went over the matter with Peary and was most anxious to go into the Arctic with airplanes, but his father opposed his going and Ellsworth had no money himself.

He then went to see Gilbert Grosvenor, of the National Geographic Society, about the project; but, without funds and without any previous experience, it was impossible for him to get backing.

This did not discourage him. In 1916 he went to the Curtiss Aviation School at Norfolk to try to learn aviation. He waited a week there to try to get training, but without success.

There were countless people ahead of him. He then attempted to secure his father's aid to buy the ice steamer *Carluk* and join Stefansson. Henry Fairfield Osborne repeatedly interceded with Mr. Ellsworth for his son, but without success. The affair kept dragging until Stefansson had to go to Canada for the necessary aid to carry through his expedition.

Before the war, early in 1917, Ellsworth joined the ambulance service and sailed for France. There he made a great effort to get into the Franco-American Flying Corps, but was told by Doctor Gros, medical officer of the organization, that, though he was physically fit, he was 14 years beyond the age limit for pilots. He was then 37.

While in Paris he received an urgent letter from Henry Fairfield Osborne saying that he had just lunched with Amundsen and that he—Amundsen—was going to “steal Ellsworth's thunder,” as he was planning to fly across the Arctic.

Shortly after this Amundsen himself came to Paris. Ellsworth wanted to join his Arctic ship the *Maude*, but Amundsen said the personnel was all made up.

Shortly afterwards America joined the war. As he was too old to pilot, Ellsworth filled out his papers to be an airplane observer, took

his physical test, passed, and was enlisted in the American Army as a second-class private.

There was no observation training school in France. He was sent to Tours and, in spite of the regulation about age, was started in as a pilot with the French. He learned to “solo” and received from the French his one wing badge in recognition of it.

On account of his age, he was not given a fair show as a pilot, and, fearing that he would never get over the line, he again requested duty as an airplane observer.

He was then taken down with flu-pneumonia and was quite ill.

He still persisted, however, in his desire to go to an observation school, but as there was no such school in France, he had to be sent back to the States. He had no more than filled out his papers when the armistice took place.

The pneumonia left him incapacitated for almost three years and he had two relapses of pleurisy.

In 1924, not having been able to get sufficient backing to go into the Arctic, he organized the Ellsworth expedition to Peru, and together, with Dr. Joseph T. Singewald, jr.—under the auspices of the Johns Hopkins University—he ran the first complete geologic cross section of the Andes through central Peru.

During all these years Ellsworth never gave up his great desire to go into the Arctic, and he continued to make every effort possible to obtain backing in America, but without success. It seems to me that this has a very important bearing on his final tie-up with a foreign expedition.

Later he was for three years a field assistant of the United States Biological Survey which contributed both to the National and American Museum of Natural History.

At the end of that time he returned from his duties in South America and was about to start back again to continue his work in the Andes, when he learned that Amundsen was in America. Here he felt was an opportunity to get into exploration work in the Arctic.

He called on Amundsen at the Waldorf and convinced him of his great desire to go into the Arctic. Amundsen himself had also been disappointed in raising money for his air flight, and had brought with him all of his belongings as he intended to go to Wainwright and to live there indefinitely unless he could raise some money.

Hoping that the expedition could be organized in America and that it could fly the American flag exclusively, Ellsworth made a determined effort to raise some funds. He went to Washington and interviewed a number of people, but was unable to interest anyone.

After considerable effort to raise money, Amundsen and Ellsworth found that the only people interested enough to help was the Norwegian Aero Club.

When Ellsworth's father found that he was determined to go into the Arctic to explore, and that he would probably try to get up there “whether or no,” he decided to help the expedition. Ellsworth was an only son, and his father's desire to keep him from the dangers of flying in the Arctic had only been natural.

On May 20, 1925, the Amundsen-Ellsworth North Pole flight started from Kings Bay, Spitzbergen. Ellsworth had command of and navigated one of the planes and Amundsen had command of the other plane. All went well with the expedition until they met fog and then, through no fault of their own, they got lost, but managed to land on the polar sea without injuring any of the personnel and without breaking up the planes. Subsequently, however, one of the planes was lost in an ice jam and the remaining personnel of six had to depend upon the one plane to get back to civilization.

They had landed on the polar sea at latitude 87° 44' north, 136 miles from the North Pole. It was a colossal task for those six men to level down one of the ice fields so that they could take off with the plane. It took 25 days of superhuman effort to do this, and during that time the Norwegian and American flags waved side by side.

Finally, on the twenty-fifth day, the crew of six just managed to get off the snow, almost hitting a hunk of ice as they got into the air, and they got back safely to Spitzbergen and were picked up by a whaling steamer and brought back to civilization. Their plane, the *N-25*, was afterwards salvaged and is still flying.

This is one of the greatest epics of adventure in all history, the expedition traversing areas on the polar sea never before explored.

Amundsen and Ellsworth then decided that, due to the hazards of a forced landing on the polar sea, it would be better to attempt to reach the pole by airship. They still were unable to get backing in the United States. The Norwegian Aero Club agreed to back them and since the only suitable airship within the means of the expedition that was available was in Italy, they went to that country to purchase the airship.

The airship was named the *Norge*, and out of courtesy to Nobile, the designer of the ship and its navigator, the organization was called the Amundsen-Ellsworth-Nobile expedition.

The expedition reached Kings Bay, Spitzbergen, the first part of May, 1926, and at 8.55 a. m. on the 11th of May set out for Alaska. The airship reached the North Pole at 11.30 a. m. May 12, and Ellsworth dropped the American flag. They then continued on across the polar sea to Point Barrow, Alaska, and until they got within sight of

Point Barrow every bit of the way from the pole was over unexplored areas, a total distance of 1,200 miles.

This is one of the greatest pieces of exploration in all history and one of the greatest flights on record.

The distance they had traveled across the Arctic Ocean from Spitzbergen to Point Barrow was 1,950 miles. They reached Point Barrow at 6.50 p. m., Greenwich meridian time, on May 13, 1926, 46 hours 45 minutes after leaving Kings Bay.

After reaching Point Barrow the expedition continued on to Tellier, Alaska, reaching there about 8 a. m., Greenwich time, May 14, after having been in the air 71 hours, having bisected a million miles of unknown arctic regions by a trail approximately 100 miles in width, except where fog obstructed the view.

This expedition would not have been possible without the initiative and help of Lincoln Ellsworth. His was a very great accomplishment and has earned him a place in history.

He has received scant recognition for his magnificent contribution to science, and I feel very keenly that our Government should give this splendid American some recognition.

His success was the result of long endeavor and years of preparation, and it seems a pity that our country has given him so little credit.

It is interesting to note that so great did the Italians consider the achievement of this expedition that the Italian Government promoted Nobile from colonel to general and made him military head of the air department to which he belonged.

Faithfully yours,

R. E. BYRD.

Mr. ROBINSON of Arkansas. Mr. President, the hour of 1 o'clock having arrived, I desire to submit a motion that the Senate proceed to the consideration of the bill (S. 3919) awarding a gold medal to Lincoln Ellsworth.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HEFLIN. Mr. President, before the Senator proceeds will he let me call up a bill?

Mr. ROBINSON of Arkansas. I yield to the Senator from Alabama if it will not lead to any discussion.

Mr. HEFLIN. I ask unanimous consent for the present consideration of Calendar No. 866, being the bill (S. 3845) to prohibit predictions with respect to cotton or grain prices in any report, bulletin, or other publication issued by any department or other establishment in the executive branch of the Government.

Mr. McNARY. Mr. President, a parliamentary inquiry.

Mr. HEFLIN. I am going to be away from the Senate for two or three days, and I am very anxious to get the bill passed and over to the House, so they can get to work on it there.

The VICE PRESIDENT. The Senator from Oregon will state his parliamentary inquiry.

Mr. McNARY. Under what order are we proceeding? How far have we proceeded with morning business?

The VICE PRESIDENT. Reports of committees were called for, but, the hour of 1 o'clock having arrived, the motion submitted by the Senator from Arkansas was in order.

Mr. McNARY. This despite the fact that morning business has not been concluded?

The VICE PRESIDENT. Yes.

Mr. HEFLIN. The Senator from Arkansas had already moved to take up his bill when I asked him to yield to me, and then we got into this discussion.

Mr. McNARY. For what purpose did the Senator yield?

Mr. HEFLIN. To enable me to call up Calendar 866, Senate bill 3845.

Mr. McNARY. May we have the bill read?

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill by title.

Mr. HEFLIN. The word "grain" has been stricken out of the bill.

Mr. BINGHAM. Mr. President, are we not considering the other bill? I inquire because, on behalf of the Senator from Rhode Island [Mr. METCALF], I shall have to object to the request of the Senator from Alabama.

Mr. ROBINSON of Arkansas. I yielded to the Senator from Alabama to enable him to call up his bill.

Mr. HEFLIN. I want to make this request in the open. I am going to continue to make it in the open. I am preparing a speech upon the subject, and I want those who are interposing objections to the bill to know that I am going to discuss it and give their names. I have their names here in the RECORD, and I am going to give the reasons why some of them are objecting.

Mr. NORBECK. Mr. President, if the Senator from Alabama will refrain from making a speech, I will vote for his bill. [Laughter.]

Mr. HEFLIN. Mr. President, the Senator from Arkansas yielded to me to call up the bill by unanimous consent. If he would permit me to move its consideration—

Mr. ROBINSON of Arkansas. Objection having been made, it is not in order to proceed with the discussion of the Senator's bill at this time. The Senator from Alabama, of course, understands that. Objection was made in behalf of a Senator who is absent.

The VICE PRESIDENT. Objection is made to the request of the Senator from Alabama. The Senator from Arkansas is entitled to the floor.

Mr. ROBINSON of Arkansas. Mr. President, I merely wish to take a moment or two. As I said, the hour of 1 o'clock having arrived, I have submitted the motion, it has been agreed to, and the bill is now before the Senate. I merely wish to point out to the Senate that not only has another committee of the Senate than the Committee on Military Affairs reported the bill or a similar bill, and that the Committee on Military Affairs has never sought jurisdiction of it, but there is, in fact, no reason why the Committee on Military Affairs should assume to direct the legislation. It was a commercial achievement, in no sense a military achievement, and no reason occurs to my mind why the Senator from Connecticut, who speaks for the Military Affairs Committee and frequently controls its action, should assume to object to the consideration of the bill.

Mr. SWANSON. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON of Arkansas. I yield.

Mr. SWANSON. Mr. President, I want to appeal to the Senator from Connecticut not to oppose the bill. The only difference of opinion seems to be whether Lincoln Ellsworth shall have a vote of thanks by Congress or shall have a gold medal. The important thing is to determine whether the man has done something to deserve a vote of thanks by Congress or a gold medal. If he has done it, I am not going to begrudge giving him anything he should have. I believe we should be generous and give him a medal so he may transmit it to his family.

I did not know anything about this matter until Commander Byrd discussed it with me. This man has received no recognition and has been shown less appreciation than anyone else connected with these wonderful achievements. It does seem to me, after this long delay, and considering the heroic achievements involved, that the Senator from Connecticut should withdraw his objection and let us unanimously pass the bill to reward this act of heroism combined with years of hard work and toil.

Mr. BINGHAM. Mr. President—

Mr. ROBINSON of Arkansas. I yield to the Senator from Connecticut.

Mr. BINGHAM. The Senator from Arkansas has placed a construction on my opposition to the bill that is not fair. I never objected to it because it was referred to the Committee on Commerce. Indeed, that was the committee to which it should have been referred. I should have liked to have had a hearing before that committee, but due to some misunderstanding that privilege was not accorded me. However, that has nothing whatsoever to do with my objection to it.

Mr. ROBINSON of Arkansas. Will the Senator allow me to ask him a question?

Mr. BINGHAM. So many statements have been made as to the basis of my objection to this measure being the committee to which the bill was referred, that I think, in fairness, I ought to be allowed to state that that has nothing whatsoever to do with it at all. The only reason why I mentioned to the Committee on Military Affairs this morning was the debate had in that committee when the Senator from Iowa [Mr. BROOKHART] introduced a bill a few days ago to give the congressional medal of honor to one of the trans-Atlantic flyers, I think, Mr. Chamberlin. That bill is before the Committee on Military Affairs. We considered the subject of what was the right thing to be done for our trans-Atlantic and transoceanic flyers in order to give them that recognition which everybody wants to see them have.

I am sure that no one will accuse me of wanting to see an aviator get any less than his due. Indeed, I have repeatedly asked that measures be passed to give aviators their due, and only day before yesterday I introduced an amendment to the bill giving the German flyers the distinguished flying cross so as to provide for other aviators who had crossed the ocean from Europe.

My objection to the pending bill has nothing whatever to do with any such petty technicalities as the Senator from Arkansas seems to imply. When I may secure the floor in my own right I desire to make a statement in regard to my opposition to

giving a gold medal to that very distinguished American explorer, whom I admire, against whom I hold nothing at all, Mr. Lincoln Ellsworth. When the Senator from Arkansas will let me have the floor for that purpose I shall be glad to state my objections, which are in no way personal or based on any action of any committee to which it was referred or anything which the Military Affairs Committee now has before it.

Mr. ROBINSON of Arkansas. The Senator has complained that the Committee on Commerce denied him the opportunity of a hearing. I ask if he requested the Committee on Commerce for a hearing on the bill before the committee had reported it?

Mr. BINGHAM. I spoke to the chairman of the committee last year when the matter was up. The chairman of the committee knew I was interested in it. The committee held no hearings on it that I was aware of and I knew nothing about the action until the bill was reported. Then I asked that the bill might go back to the committee so I could be heard. But that has nothing to do whatever with my objection to the bill. At the same time I wish I might have had the opportunity of presenting to the committee the facts which I shall present to the Senate when I secure the floor in my own right.

Mr. ROBINSON of Arkansas. The Senator may present them now if he desires to do so. I wanted to conclude my own statement, however. I have shown that it is not a matter for the Military Affairs Committee. Even if it had not already been decided by the Committee on Commerce, the Military Affairs Committee would not have jurisdiction. That was prompted by the statement of the Senator from Connecticut that the Military Affairs Committee was preparing a bill or contemplated preparing a bill which would take care of a number of aviators in an omnibus measure.

I do not understand yet the ground of opposition which the Senator asserts to the bill. If it is on the theory that the bill provides for a gold medal, and he would like to do something else, I would not consent to that change now, for it would imply that Lincoln Ellsworth is not worthy of the recognition which this bill seeks to confer on him. I think, in accordance with Commander Byrd, that his achievement was one of the most daring, courageous, brilliant, and renowned recorded in modern history.

I regret that the Senator from Connecticut, who was willing to confer a medal on foreign aviators, whose achievements may or may not be compared with that of Lincoln Ellsworth, and whom I supported just a few moments ago with all the ardor that I could, finds some mysterious reason, which requires an address on his part to explain, for opposing the passage of this bill.

I desire to ask that the report of the committee on the bill be incorporated in the RECORD in connection with my remarks. It will disclose, as also does the letter of Commander Byrd, how great, how brilliant was this unrewarded and unrecognized triumph of Lincoln Ellsworth.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

[Senate Report No. 831, Seventieth Congress, first session]

A MEDAL OF HONOR TO LINCOLN ELLSWORTH

Mr. COPELAND, from the Committee on Commerce, submitted the following report (to accompany S. 3919):

The Committee on Commerce, to whom was referred the bill, presents the following report recommending the passage of S. 3919.

The purpose of this bill is to indicate to Lincoln Ellsworth the appreciation of the American people for his conspicuous courage, sagacity, and perserverance, shown in his famous polar flight of 1925 and the transpolar flight of 1926.

By request of the committee, Mr. Harold T. Clark, a personal friend of Lincoln Ellsworth, was requested to present a memorandum regarding Mr. Ellsworth and his contribution to the cause of exploration and the advancement of American commerce. His letter is printed herewith and the memorandum follows:

"Lincoln Ellsworth, civil engineer and explorer, was born in Chicago, Ill., May 12, 1880, the son of James William and Eva (Butler) Ellsworth.

"On both his father's and mother's sides his ancestors have been Americans for many generations, there being numbered among them some of the leading figures in the early history of New England. When the Western Reserve was opened in Ohio several representatives of the line were among the early settlers.

"Mr. Ellsworth was educated at the Hill School, Pottstown, Pa., and in the School of Mines and Engineering at Columbia University.

"Fascinated in early youth by the exhibits of northern life, sledges, skis, and other gear of Arctic and Antarctic expeditions on view in the American Museum of Natural History in New York City, he became an omnivorous reader of all stories and accounts of those who had ventured into the frozen wastes of the world and carefully traced the progress of their expeditions on the relief maps which are on the walls of the

museum. It was then he resolved to explore the Arctic unknown. Nansen's Farthest North played an important part in leading to this determination. After two years of special courses in the engineering school of Columbia University he worked as axman and chainman for the Grand Trunk Pacific surveys in Ontario and Saskatchewan, this being the work nearest in keeping with his ambitions he could then secure.

"When this work was completed he spent three months as a leveler and making underground surveys in Pennsylvania coal mines, then followed a year when he was assistant engineer on surveys for the Kougarok Mining Co. of Nome, Alaska. Returning to Pennsylvania from Alaska, Lincoln Ellsworth built 180 coke ovens in five months for a mining company. The lure of the open and his ambition for exploration, however, predominated, and he was successively transit man of the Grand Trunk Pacific exploratory survey, mountain division, which laid the line from Edmonton west to Yellowhead Pass, Alberta; transit man on location of the location survey of Coeur d'Alene Mountains, Wash.; resident engineer in charge of party on topographical and town-site work in Prince Rupert, British Columbia; and transit man and resident engineer on double-track construction for the Canadian Pacific Railway in Ontario.

"During these years he was continually seeking an opportunity to organize his own or to become a part of an Arctic expedition. Finally he was chosen, wholly because of his personal qualifications, the third member of the Crocker Land polar expedition organized by George Borup. The time before the scheduled start of this quest Mr. Ellsworth profitably spent studying astronomical observation under the auspices of the American Museum of Natural History, meteorology with the United States Coast and Geodetic Survey, and further took instruction in geographical surveying at the Royal Geographic Society in London. The project, however, was doomed when Mr. Borup was accidentally drowned soon before the proposed start.

"Following this disappointment Lincoln Ellsworth accepted the post of field assistant of the United States Biological Survey and for three years studied the animal distribution of North America and collected specimens from Mexico to Alaska. In the meantime no stone was left unturned in his effort to become an Arctic explorer. Dr. Henry Fairfield Osborn, of the American Museum of Natural History, for years made every effort to place him with an expedition and to get backers for an Ellsworth Arctic expedition, all to no avail. Officers of the National Geographic Society of America were appealed to and Ellsworth had a conference with Peary at which, among other things, the feasibility of using airplanes in Arctic exploration was discussed. Nothing materialized for no one could be found to finance such an expedition.

"Early in 1917, before the entrance of the United States in the World War, Ellsworth joined the ambulance service and sailed for France. There he made a great effort to get into the Franco-American Flying Corps, but was told by Doctor Gros, medical officer of the organization, that, though he was physically fit, he was 14 years beyond the age limit for pilots. He was then 37.

"While in Paris he received an urgent letter from Dr. Henry Fairfield Osborn, saying that he had just lunched with Amundsen and that he, Amundsen, was going to 'steal Ellsworth's thunder,' as he was planning to fly across the Arctic.

"Shortly after this Amundsen himself came to Paris. Ellsworth wanted to join the *Maud*, but Amundsen said the personnel was all made up.

"Shortly afterwards America joined the war. As he was too old to pilot, Ellsworth filled out his papers to be an observer, took his physical test, passed, and was enlisted in the American Army as a second-class private.

"There was no observation training school in France. He was sent to Tours, and, in spite of the regulation about age, was started in as a pilot with the French. He learned to 'solo' and received from the French his one-wing badge in recognition of it.

"On account of his age he had trouble in being sent to the front as a pilot, and fearing that he might never get over the line he again requested duty as an airplane observer.

"He was then taken down with flu-pneumonia and was quite ill.

"He still persisted, however, in his desire to go to an observation school, but as there was no such school in France, he had to be sent back to the States. He had no more than filled out his papers when the armistice took place.

"The pneumonia left him incapacitated for almost three years and he had two relapses of pleurisy.

"After the war, with still no apparent opportunity to go 'North,' he went in 1924 as coleader of the Ellsworth expedition of Johns Hopkins University with Dr. Joseph T. Singewald, Jr., and made the first geological survey of the Andes Mountains in Peru. After returning to New York and while preparing to again go to South America he saw in the paper that Amundsen was in New York and came into touch with him. They agreed to join forces, with their object an exploratory trip across the polar sea which then consisted of 1,000,000 square miles of unknown.

"Ellsworth had but \$25,000. His father was continually discouraging his ambition for polar exploration and literally offered him castles,

villas, a life of ease, and all the comforts offered by the arts and culture of the centuries of the world's civilization. However, his purpose never wavered, and at last his father was persuaded to contribute \$85,000 to an Amundsen-Ellsworth expedition.

This was but enough for two airplanes, and the original plan was to fly from Spitzbergen to the pole with these; land, refuel one from the other, which was to be abandoned, and go on to Alaska. Every effort was made to get American backing and sponsorship for the flight, but no money or interest could be aroused. Ellsworth made an attempt to borrow parachutes, instruments, and equipment from the Government at Washington; but, although members of the Air Service were interested, he was informed that no help could be given except by act of Congress, and that it seemed impossible to secure such action. At last the Aero Club of Norway was appealed to, and they agreed to sponsor the trip, but only if it was agreed to make of it a reconnoitering expedition as far as the pole. It was necessary for Amundsen and Ellsworth to accept these terms.

On the Amundsen-Ellsworth expedition in 1925 Ellsworth navigated one plane and Amundsen the other. These flew from Spitzbergen to a point 136 miles from the North Pole, where they landed and spent 25 days. It was then found necessary to abandon one of the planes. The six men on the expedition then returned to Spitzbergen after a very narrow escape. While the party was still caught on the ice Ellsworth saved Dietrichsen and Omdal, two members of the expedition, from drowning. A brief account of this appears in the extract from *Boy's Life* for March, 1928, hereto attached.

In describing this incident, on page 248 of *Our Polar Flight*, Dietrichsen wrote:

"We had both had a narrow escape and we have to thank Ellsworth's self-possession and quickness that we escaped with our lives. The honor which he received later—the gold medal for bravery—pleased Omdal and myself as much as it pleased him. It was well earned."

In his first public lecture about this airplane expedition in the National Theater at Oslo, August 14, 1925, before the King and Queen of Norway and the American minister, Amundsen paid a glowing tribute to Ellsworth and stated that "when he saved Dietrichsen and Omdal from drowning he saved the whole expedition, and he, therefore, deeply appreciated the King's act in conferring on Ellsworth the gold medal for the saving of life."

This airplane expedition of 1925 was intended as a reconnoitering expedition in preparation for the transpolar flight which took place in 1926. The scientific results of both of these expeditions are well set forth in the report hereunto attached.

In preparation for the transpolar flight a most careful study had been made of available airships. Because of the stormy conditions which might prevail in the Arctic and which were in fact encountered over Alaska, where the *Norge* battled a 75-mile gale for 31 hours, it was decided that the most desirable type of airship would be a semirigid one. The United States did not have a dirigible of this type. The *Shenandoah* was a rigid one and as subsequent events so tragically proved was not suitable for such an expedition. The only airship in the world which seemed to meet the needs was the one belonging to Italy, which was only about half the size of the *Shenandoah* and was semirigid. This airship was purchased and renamed the *Norge*.

In an article by Captain Amundsen in the *New York Times* for Sunday, March 14, 1926, entitled "The coming polar flight," he wrote as follows:

"That is our main purpose—to find land. If it is found, it will be priceless. No matter how small it may be, a bit of land that blooms in the summer as does Alaska would be an invaluable connecting link between America and Europe and Asia. It is only 2,000 miles from Alaska to Spitzbergen, not farther than Alcock and Brown flew on their transatlantic flight. Consider what a stopping place in the middle would have meant to those aviators. It would make possible commercial air lines that would greatly reduce distances between Europe and Asia. Some day commercial aviation will travel routes across the pole—there is no doubt of that—and this land would then be a way station. And it would have a strategic value that can not be measured in money."

"The Amundsen-Ellsworth expedition expects to fly in a dirigible from Spitzbergen to Point Barrow, Alaska. That will take us in almost a straight line across the pole and through the center of the unexplored part of the area in the polar sea."

"We have only one objective in view. That is to get to Point Barrow, and, of course, to do all that is possible on the way in exploration. If we have time, we will circle about any interesting thing that we wish to examine carefully. We may chart out a much larger part of the unexplored region than we could do in a straight flight. But the main purpose is to get across. Only the best men have been selected. We are taking only those who are expert in their respective fields."

"Lincoln Ellsworth and I will be the leaders. We will work, however, more as a team of specialists."

"He—Lincoln Ellsworth—has been a tower of strength to us, and he is an explorer of resources, courage, and ability."

In *My Life as an Explorer*, at page 136, Amundsen wrote:

"I intended that the *Norge* expedition should be primarily a Norwegian-American enterprise, as I had planned it a year before. * * * Ellsworth and I have been congenial companions in dangers and achievement. I was delighted to share the national honors with my beloved American friend. * * * The expedition was Ellsworth's and mine. It was our idea."

At the American Embassy in Oslo, Norway, on April 10, Minister Swenson handed to Lincoln Ellsworth, on behalf of the President of the United States, an American flag to be dropped at the North Pole, in the acceptance of which Mr. Ellsworth responded:

"Mr. Minister, I am deeply conscious of the significance of this occasion. I am proud to be an American, prouder to-day than I have ever been in my life, because I have been entrusted by my President to carry the flag of my country to the North Pole, to be left there together with those of Norway and Italy, in commemoration of the transpolar flight by the three nations who participated. Through the ages to come, Mr. Minister, may the significance of those three flags, lying entwined together in the bleak arctic waste, ever remain as a symbol between the nations who left them, because the spirit in which they were planted was one of devotion to a common ideal, 'to seek, to find, and not to yield,' in an effort to add to man's knowledge concerning the planet on which he lives."

"The significance of this occasion is deep with another meaning also which can not be overlooked. We are upon the threshold of a new era in exploration—it is a milestone in the progress of civilization. For almost 400 years the Arctic has zealously guarded her secrets against man's invasion. But man will ever persist until the last secret is won. What they may eventually be worth in sheer dollars and cents no one can foretell, but the nations who have paid the price with their manhood to learn them, will not have paid in vain, for there is a gain in 'going exploring.' The work in hand imperiously and ruthlessly demands many of the best gifts of manhood, both of body and mind. It tempers the will for the conquests of difficulties, it is a school in manliness. But beyond that, driving man forward on the path of evolution is its greatest illusion—its complete devotion to an idea. Out of man's passionate curiosity as to the ways of nature has come this civilization we live in. Man peering into space, looking in every direction and striving to understand, is the creator and the builder."

An interesting editorial appears in *Boy's Life* for April, 1928. It is as follows:

[From editorial page of *Boy's Life*, April, 1928]

LINCOLN ELLSWORTH

"Lincoln Ellsworth's manhood has been the fulfillment of boyhood dreams. If for no other reason his place is secure in the heart of American boys in whom the pioneer instinct and the desire for worthwhile adventure runs strong. But his accomplishments, even in the day of adventure by land and sea and air, make him stand out as a giant. He was the last man to see the buffalo in its wild state, he explored the Andes, he spent years in the high Rockies of America and Canada. But through all of this the lure of the Arctic, which fired his imagination as a boy, was calling to him. His answer to that challenge is a story that will live as long as men and boys honor the courage, fortitude, daring, and imagination that spurred the pioneer and explorer to penetrate the unknown, to tame the wilderness, and seek knowledge at any cost."

The committee desires to call attention to the speech of Congressman Roy O. WOODRUFF, of Michigan, delivered in the House of Representatives on Friday, the 25th of February, 1927. In this Mr. WOODRUFF outlines the accomplishments and significance of the Byrd Arctic expedition and the Amundsen-Ellsworth-Nobile expedition. He points out the major geographic and navigational achievements of the Amundsen-Ellsworth-Nobile expedition. These men contributed valuable astronomical observations and reductions, magnetic observations and reductions. Valuable meteorologic and climatologic data were gathered as well as data regarding polar glaciology. The zoological and botanical observations, the use of the radio, advancement of aeronautics, and valuable engineering conclusions are other products of this venture.

In a letter to Senator COPELAND, Commander Byrd said: "I want to tell you again how deeply we all appreciate what you are doing for Lincoln Ellsworth." This brave pioneer has urged that Congress honor Ellsworth in the manner proposed.

The director of the American Geographical Society, under date of April 10, wrote to Senator COPELAND as follows:

AMERICAN GEOGRAPHICAL SOCIETY,
New York, April 10, 1928.

Senator ROYAL S. COPELAND,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I write on behalf of Mr. Lincoln Ellsworth, who, with Amundsen, made the transpolar flight in the *Norge*. It has been a matter of surprise to me that he has not received the honor that he so abundantly deserves, of a congressional medal. Doubtless you have had the matter under consideration, and if so I want to add my support to whatever agencies favor him and to assure you that it

would give me great satisfaction to see him thus honored. I hope that whatever Congress does may be done with sufficient promptness so that the satisfaction that he would take in such an honor would not be diminished by long delay.

I have made no attempt in this letter to appraise his work in detail or to analyze it, or even to argue the merits of the case. I take it that all this is quite unnecessary; that you are as fully informed as I am as to the nature and value of his work, and that like myself you desire to honor him.

Faithfully yours,

ISAIAH BOWMAN, *Director.*

The propriety and justice of this act must be apparent to every citizen. Such an achievement appeals to the imagination of the American people. It is only right that this action should be taken at the earliest possible moment.

Mr. JONES. Mr. President, I think I should make a brief statement in view of what has been said with reference to the action of the Committee on Commerce. I did know that the Senator from Connecticut was interested in the measure in opposition to it. I think he was a member of the committee in the preceding Congress when a similar bill came up, and expressed his opposition to it.

The Senator said he spoke to me about a hearing. I have no doubt that he did, although I must say that I have no recollection of it, and there was no reason in the world why the committee should not give the Senator from Connecticut a hearing if it knew he desired it. It must have slipped my mind, because I did not call the matter to the attention of the committee, and action was taken. I regret that very much. Whatever failure there was in the committee in not giving hearings is due to my not remembering the request of the Senator from Connecticut. I am very sorry, indeed, that I did so, because I know of no reason in the world why there should not be a hearing given to him with reference to this or any other measure.

Mr. COPELAND. Mr. President, I would like to call the attention of the Senator from Connecticut to this fact: Last year, when my bill came before the Committee on Commerce the Senator from Connecticut was in opposition to the form of the bill. He has never expressed to me any other feeling than a desire to honor Mr. Ellsworth, but he did not like the form of the bill. This year, when I introduced the bill again and it was referred to the Committee on Commerce, I endeavored to express the view and the feeling, as I understood them, of the Senator from Connecticut, and made the suggested change so that instead of giving the congressional medal, the bill provides for the giving of a medal.

I appeal to the Senator from Connecticut not in any way to tarnish the glory and the joy that will come from the granting of this medal or its receipt. I know perfectly well the Senator from Connecticut has lofty ideals. He is interested in the great subject of aviation.

He has contributed largely to our knowledge on the subject of aviation; but here is one of our citizens who has performed a brave deed which we think entitles him to a distinction of some sort at the hands of Congress. I know that the Senator from Connecticut takes the same view. Perhaps this is not the best way to recognize it, and we want to do it in the best way possible; but this is what is proposed. If we deviate from this course, if we change our action, or perhaps if we defeat this action, we only give sorrow where we ought to give joy.

The Senator from Connecticut has manfully expressed his views. He has been candid with the Senate. Let us not spoil this day of triumph for Lincoln Ellsworth, however, by any question about the form of the bill, but let us enact it into law at the earliest possible moment.

Mr. BINGHAM. Mr. President, I had hoped to be spared from the necessity of making these remarks for the very reasons to which the Senator from New York refers. Debates in regard to honors are best held in private. I had talked over the matter with him in private, and I thought it was agreed that the Senate should not be asked to do more for this distinguished explorer than we did for the first American aviator to cross the Atlantic Ocean.

Mr. COPELAND. Mr. President, will the Senator yield at that point? I want the Senator to bear in mind that I did not bring up this motion this morning.

Mr. BINGHAM. I understand that perfectly.

Mr. COPELAND. In a colloquy with the Senator, I asked what his plan was; but the bill is now before us. Through no fault or virtue of mine, through no fault or virtue of the Senator from Connecticut, it is here. Now, let us not spoil this day. Let us not in any way reflect upon this man by anything which may be considered a criticism either of him or his friends, among whom I am numbered, by our way of proceeding in this matter.

The Senator from Connecticut has expressed his view. I hope that he will let the matter rest there, and let the bill pass.

Mr. BINGHAM. Mr. President, would the Senator who introduced the bill be willing to substitute the thanks of Congress for a gold medal?

Mr. ROBINSON of Arkansas. I would not, Mr. President. After the debate has proceeded as it has, I would not consent to any change of that nature. Of course, the Senator can offer an amendment—he understands that very well—and if it prevails that will decide the matter.

Mr. BINGHAM. Mr. President, in view of the fact that the Congress of the United States, as regards the first flight across the Atlantic Ocean, commanded by an American naval officer, Commander Read, gave no recognition of it for many, many years, and only recently in this Congress recognized the first trans-Atlantic flight by giving to Commander Read the thanks of Congress and not a medal, I move at the proper place in the bill, in lines 3 and 4, in place of the words "the President of the United States is hereby authorized to present a gold medal," to substitute the words "that the thanks of Congress are hereby given."

Mr. ROBINSON of Arkansas. Mr. President, I merely want to say that I am opposed to that amendment. I think it would be very unfortunate to deny this medal after a committee of the Congress has recommended that it be granted.

Mr. BRUCE. Mr. President, may I suggest to the Senator from Connecticut that he might amend in such a way as to confer a medal on Commander Read, too. Is he living?

Mr. BINGHAM. Yes, indeed.

Mr. BRUCE. It might be done, and I am bound to say that I hope it will be done.

Mr. ROBINSON of Arkansas. Certainly, at an opportune time, when such a proposition is presented.

Mr. BRUCE. I am simply going to say that I think one of the meanest things in the world is to do a thing that is essentially generous and magnanimous and yet at the same time do it in such an ungracious, niggardly, or begrudging manner as to destroy altogether the moral effect of it. I think we have had too much of that sort of thing in the Senate.

Mr. HEFLIN. Mr. President, if the amendment offered by the Senator from Connecticut prevails it will be a very humiliating thing to this young man. He knows that the matter is up for consideration; and it will be humiliating to him to be told that Congress has refused to give him a medal, but that it did write him a letter sending to him its best regards, and expressing appreciation for what he has done. The fact must be borne home to him that the Congress does not appreciate what he has done, and that, when the effort was made to give him a medal, when it has been recommended by a committee of Congress, Congress after debating the matter decided not to do it, and just sent him a letter.

I hope the amendment will be rejected.

The VICE PRESIDENT. The question is on the amendment of the Senator from Connecticut [Mr. BINGHAM].

The amendment was rejected.

Mr. BINGHAM. Mr. President, as I stated, my objections to this are in no sense personal and have nothing to do with the action of the committee.

When the matter was first brought to my attention last year I stated clearly my objections to giving a gold medal for the transpolar flight of the airship *Norge*. My reasons are these:

This flight of the airship *Norge* from Italy to Spitzbergen, and later across the pole to Point Barrow in Alaska, was a great achievement. There is no question whatever about that. To whom belongs the chief credit for that achievement?

The chief credit belongs in the first place to the man who designed the airship, who was the great Italian airship designer, Captain Nobile, later made a colonel, and for this flight made a general. The credit belongs in the second place to the pilot who navigated that ship, and his crew. The pilot was the great Italian, Captain Nobile. The crew who navigated it and who maneuvered it were Italians. It brought tremendous credit to Italy, and deservedly, for the first great successful airship flight over the polar ice. It was recognized by Italy as a tremendous achievement. It was acclaimed throughout Italy as being a magnificent thing for that country.

The officer who had designed the ship, who was in command of it, and who flew it, was given promotion to the grade of general and decorated by the King of Italy. Nothing that I am saying is in the slightest degree intended to reflect on the achievement or on those who accomplished it.

The name of the ship was the *Norge*, because the Norwegian Aero Club had by various arrangements succeeded in raising a certain amount of money to help pay the expenses of the expedition.

The first flag to be dropped when this ship got over the North Pole, by arrangement, was the Norwegian flag. That was the first flag to be carried to the North Pole by airship. A few days previously, in an American airplane, the great American aviator, Commander Byrd—who now so generously comes before us with this letter presented by the Senator from Arkansas [Mr. ROBINSON] and asks for recognition for his competitor, Lincoln Ellsworth—was the first to fly to the North Pole in an airplane, an American airplane, with an American pilot whom we honored yesterday at Arlington.

Mr. President, just what was it that Lincoln Ellsworth did in this connection? First, in order that I may not be misunderstood, let me say frankly that Lincoln Ellsworth is a great explorer. As Commander Byrd says, he is an idealist, a born explorer, who has taken part in certain remarkably interesting expeditions. For this it would have been natural that he should have been recognized by the geographical societies of this country, who have it in their power—and it is, indeed, their duty—to recognize the work of exploration, and to give to the great explorers medals recognizing exploration.

The American Geographical Society—which, I believe, is the oldest in this country, and which is very particular in regard to its medals—considered giving a medal to Lincoln Ellsworth for his geographical exploration. It had the matter under consideration for a very long time. The director of the American Geographical Society writes me that they had given to Lincoln Ellsworth more attention than to any other explorer. His deeds are well known. Yet they have given him no medal for his exploration; and the reason is that they feel that their medals should be given to Americans who lead American expeditions.

But we are asked to confer a gold medal, not upon an aviator, for Mr. Ellsworth is not an aviator; not upon an airship pilot, for he is not an airship pilot; but upon a fine, upstanding young American, against whom there is not a word of criticism, who took money which he inherited from his father, money made in this country, and used it, not for the credit of American aviation, not for the credit of American airships, not for the credit of American airship pilots, but for the credit of foreign airship designers, foreign airship pilots, and the work of a foreign crew. Is that the business of the American Congress?

Mr. President, I have no objection to what Mr. Ellsworth did, if a man chooses to do it. Nevertheless, as I said to Commander Byrd in a conversation the other day over this very matter when he came to see me to ask me to withdraw my objection, "What would you say if the Congress of the United States were to say, 'We will confer a gold medal on any young rich American who is willing to put up half a million dollars to buy 10 French airplanes, and hire 10 or a dozen French aviators to fly to the South Pole as fast as possible, and beat you to it?' Would you think that was a fine thing for the Congress of the United States to do?" Of course, to that he made no answer. Yet that is what we are now asked to do.

We are asked to give a gold medal to a rich young American who took his money to bring great credit to an Italian airship designer, an Italian airship pilot, an Italian crew, and an airship bearing the name of Norway. Possibly for the sake of the comity of nations we ought to confer medals on all those concerned in that transpolar expedition; but there is no mention here of any gold medal for Colonel Nobile—or General Nobile, as he was made after this expedition—or any gold medal for Amundsen, who helped to raise the money in Norway for it. It seems to me a very extraordinary thing for the Congress of the United States, which is so chary of its gold medals that it has not even given gold medals to the men who first flew across the Atlantic, and who are officers and men of the United States Navy, and which neglected them entirely for years and paid no attention whatsoever to their exploits, now, because of the public interest in aviation, to go so far in the other direction as to desire to give a gold medal to a rich young American who hired some foreigners to do a very distinguished piece of work, even though he had a very praiseworthy part in it.

That, Mr. President, has been my objection to it from the beginning, as those interested in the bill have known. It is my earnest and whole-hearted desire to promote American aviation, and to do everything in my power to promote the designing of the best airplanes and the best airships in this country. I desire to promote American airplane pilots and American airship pilots and to do everything in my power to give them credit for their heroic acts. The distinguished-flying crosses which we this morning voted to confer on certain distinguished foreigners visiting this country, partly at my suggestion, were originally authorized in the bill creating such medals at my suggestion. I mention that, Mr. President, in no way to boast

but rather to explain, because of the attack that has been made on me on the floor. My attitude has always been to try and promote aviation. My actions in this matter are in no way personal. Nevertheless, I believe that the Congress of the United States, when it confers gold medals for things of this kind, should be just as careful to see to it that it is conferring a gold medal upon an American for an American achievement as is the American Geographical Society.

Mr. BRUCE. Mr. President—

Mr. BINGHAM. I yield to the Senator from Maryland.

Mr. BRUCE. I want to ask the Senator whether he does not think, however, that Ellsworth contributed something besides money to this enterprise? Of course, money was indispensable to its successful consummation, and he was fortunate to be in position to contribute that; but did he not contribute to the original conception of the enterprise? Was it not his energy and activity that organized it and correlated all the forces leading to its triumphant consummation?

Mr. ROBINSON of Arkansas. Mr. President, he was actually in command of one of the planes during a portion of the expedition, and it was called the Amundsen-Ellsworth-Nobile expedition.

Mr. BINGHAM. The Senator is mistaken. No planes were used on that expedition, but on an earlier one to which I had not yet referred.

Mr. BRUCE. I recall the fact that only last year one of the most splendid banquets at which I have ever been was given in Baltimore to Mr. Van Lear Black, one of the most conspicuous citizens of that city, whose achievement consisted in the fact that he had conceived the idea of flying, with the aid of a Dutch pilot, from Holland to the Far East. In doing this he exhibited such a high degree of courage, intelligence, and foresight, and such a keen eye to the proper adaptation of means to ends that his admiring fellow citizens thought him worthy, as I have intimated, of a splendid banquet. At that banquet, gathered not merely from friendship—though Mr. Black has a host of friends in Baltimore—but from public motives, were the most representative citizens of the city of Baltimore, such as bankers, manufacturers, merchants, lawyers, and doctors. I think all the persons who were present might well have thought that they would not have gone too far even if they had conferred a gold medal on Mr. Van Lear Black, not simply because of the hazards that he had incurred but because of the energy, the skill, the foresight, the resource that he had shown in organizing his flight.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. BINGHAM. Yes.

Mr. ROBINSON of Arkansas. Some time ago, in his remarks, the Senator implied, as I understand him, that the Geographical Society had doubt as to whether this distinction should be conferred. I want to call his attention to the fact that there is already in the RECORD a letter from the Director of the American Geographic Society of New York, as follows:

It has been a matter of surprise to me that he has not received the honor that he so abundantly deserves of a congressional medal. Doubtless you have had the matter under consideration, and if so I want to add my support to whatever agencies favor him and to assure you that it would give me great satisfaction to see him thus honored.

In addition to that suggestion, I want to point out that for some mysterious reason the Senator from Connecticut is referring to Lincoln Ellsworth as a rich young man. I think that reference, and the plain implication that it carries, is unworthy of this debate and this measure.

Mr. BINGHAM. The reference was not made with the slightest idea of casting any reflection on him.

Mr. ROBINSON of Arkansas. I do not know why. I heard the Senator myself, three times at least, talk about this "rich young man"; as if that had any relationship to the proposal to give this gallant, brilliant, daring young American a recognition that he so richly deserves in the opinion of everyone in the Senate, except the Senator from Connecticut, including that gallant old soldier from Wyoming, Senator WARREN.

Mr. FLETCHER. Mr. President, the Senator was going through the accomplishments and achievements and the actual things done by Mr. Ellsworth, but he had not reached this point mentioned in the bill, "made his famous polar flight of 1925, and the transpolar flight of 1926." To what does that refer, if I may ask?

Mr. BINGHAM. Mr. President, there were two occasions on which Lincoln Ellsworth and Mr. Amundsen went to the Arctic. On the first occasion they took two airplanes, two seaplanes. My recollection is that those planes were built either in Norway or in Germany, and the pilots were either Norwegian

or German. There were no American pilots concerned with that.

Mr. FLETCHER. He was a passenger?

Mr. BINGHAM. He was a navigator of one of the planes, and Amundsen was the navigator of the other plane. On that flight, the Senator will remember, one of the planes fell, and they, with great difficulty, got back to civilization at all. It is the testimony of Amundsen and others on the expedition that the return to civilization depended in no small degree upon the heroism and ability of Mr. Ellsworth.

Mr. BRUCE. Mr. President—

Mr. BINGHAM. Will the Senator kindly permit me to reply to the question of the Senator from Florida?

The transpolar flight of 1926 is the flight to which I have been referring, the flight of the airship *Norge*. Some of my friends here even object to the fact that I referred to Mr. Ellsworth as a rich young man. Had he not been a rich young man the expedition could not have occurred. It was his money that bought the airship. I have no objection to anyone being a rich young man. But it seems to me that for the Congress of the United States to give a gold medal to a young American who can afford to buy an airship—let us put it in that way, so that the Senator from Arkansas may not think I am casting any aspersions upon him because of his wealth, for that would be the last thing I should desire to do—it seems to me a most extraordinary thing that the Congress of the United States should be asked to give a gold medal to a young American who bought a foreign airship and hired a foreign airship crew. He could have gone to one of the American manufacturers of airships—for instance, to a company in Ohio that makes excellent airships, and has made them; and, by a strange coincidence, the very money he spent originally came from Ohio, and it seems to me it would have been a very natural thing to do to have gone to the Ohio company which makes airships and to have taken American airship pilots, of whom there were several second to none in the world, and to have organized an all-American expedition to the North Pole in an American airship, with an American pilot; and I can say to the Senator that I would like to have been the first, if possible, to have asked Congress for recognition of such an all-American expedition.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. SWANSON. What is the issue here? It is inferred we should not give the reward for heroism, should not give the reward for sacrifice, should not give the reward for the great risk and danger Mr. Ellsworth took, but it must be supplemented by his using an American airplane, aircraft. I deny that the American people feel that way. I deny that the very people who built the aircraft would like for that to be the measure of reward for heroism. I for one will never vote to give a medal, and insist as a condition precedent that the aircraft must be bought in America.

Mr. ROBINSON of Arkansas. We ought to have made Lafayette buy his uniform in the United States.

Mr. SWANSON. I do not believe in that principle. Heroism does not know any State. Heroism does not know any nation. Sacrifice and heroism know only the people who are willing to take risks of danger that ordinary people will not take, and when an American citizen does that anywhere, under any circumstances, his heroism and sacrifice and risk stir my blood, whether he went in a plane from Ohio or from Langley Field, in Virginia. So help me God, I am voting to give the medal for heroism, and not for the plane he flew in.

Mr. BINGHAM. Well, Mr. President, of course it is very easy to get eloquent expressions of the sort we have just had from the Senator from Virginia about a matter of this kind. And it is a little difficult to consider the actual facts coolly.

With regard to this great transpolar flight, the evidence is that Mr. Ellsworth was chiefly a passenger. He had nothing to do with navigating the airship. He went along as the owner of the airship and as an observer. It does not appear to me that that took unusual sacrifice or heroism. Perhaps I am mistaken.

If we are going to give gold medals to any young American who is able to afford it, and is willing to be taken along as a passenger on a heroic expedition, well and good, if that is to be our policy. But let me call to the attention of the Senator from Virginia, to whose oratory we have just listened, the fact that, although American naval officers and American enlisted men first flew across the North Atlantic nearly eight years ago, he never on this floor offered a bill to give them a gold medal or any recognition for their heroism and sacrifice.

Mr. SWANSON. Mr. President, if any one had offered a bill to bestow a gold medal for that heroic action, I would not have humiliated those men by saying, "We will give them the thanks

of Congress." If they deserve it, give it to them. If they do not deserve it, do not give it to them. But why should justice be refused to a man because another man did not get justice?

I understood the Senator to say that if this had been an American expedition, manned with an American crew, and in an American airplane, the Senator would be here voting to award the gold medal. I say that I do not believe the American people are disposed to inquire, in rewarding heroism and sacrifice and risk, as to where the recipients got the plane.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. COPELAND. Let me ask the Senator a question. He is more interested in aviation than anybody else in the Senate. He has been our mentor and guide here. Why has not the Senator from Connecticut introduced a bill to honor the flight of the first plane that crossed the Atlantic?

Mr. BINGHAM. I will say to the Senator that I did prepare a bill with that end in view, but since Commander Read came from the State of New Hampshire, I did not desire to have it appear that I was trying to take away any credit from the representatives of that State, and I showed the bill to one of the Senators from New Hampshire, who prepared a bill which he thought was better than the one I showed him, he introduced it, and in due course the Naval Affairs Committee reported the bill and the Congress passed it without anyone's objection.

It seemed to me, in view of the fact that the Congress has been content to merely give the thanks of Congress for that great event, it was more or less casting a shadow on the first flight across the Atlantic to give a gold medal of an unusual sort, as the Senator will recognize this is, for something which is not as great a credit to our country and our fellow citizens as that particular event.

Mr. SWANSON. Mr. President, if the Senator will permit, the bill to which the Senator refers was sent to the Naval Affairs Committee, and I thought he and his friends wanted it promptly reported. His bill was here for Commander Byrd. I insisted and put through one for Floyd Bennett, giving him the same honors and the same rights, though he was not from my State, because I believe heroism deserves the generous reward of the Nation. I think this man is entitled to something for his conspicuous flight or nothing, and if he has been brave enough and has sacrificed enough and has been bold enough to spend \$500,000, as a rich man, instead of indulging in luxury, instead of dissipation, to do a heroic thing, I think he deserves credit for that more than condemnation. I would like to encourage men who have fortunes, instead of spending their lives in luxury and all kinds of dissipation, to take a risk, to be men, to go to the North Pole, to take a risk and show heroism, instead of being duds around these dissipated social functions. I commend this man for having done this deed, and I am glad to vote him a medal for the sacrifice.

Mr. BINGHAM. Mr. President, it seems to me very strange to hear on this floor a statement that the Congress of the United States is prepared to vote gold medals to any young American who chooses to go out of his way to expose his life and to promote the deeds of foreign aviators by hiring them to take risks, who is going to bring honor to other countries rather than to his own country. The transpolar flight mentioned in this bill is not one that brought credit to America. It brought the very greatest credit to Italy, and was properly recognized by Italy. It brought great credit to Norway, and was properly recognized by Norway, but I can not see where it brought credit to this country, notwithstanding the heroism of the observer who went along as the owner of the airship, and who deserves credit for having promoted the enterprise.

But we are nearing the hour of 2 o'clock, and I have no desire to prevent a vote on this bill, so I shall conclude briefly.

I merely wished to express the reasons why I have opposed this legislation for the past year in order that Senators might fully understand the facts in the case. If, with full understanding, it is the wish of Congress to give gold medals for this kind of thing, I shall be glad to try to see to it in the future that explorers and aviators who do similar acts get similar recognition by the Congress in order that justice may be done.

Mr. BRUCE. Mr. President, if the Senator will permit me, I had no intention at all of impugning his motives about this matter. I did not mean to intimate that his motives did not deserve as much respect as did mine or those of any other Senator.

Mr. SWANSON. I have high respect for the Senator.

Mr. BRUCE. As far as Commander Read is concerned, I am ready to vote a medal for him, too.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYARD:

A bill (S. 4255) granting an increase of pension to Martha A. Smith (with an accompanying paper); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 4256) granting an increase of pension to Mary Ann Shepard (with accompanying papers); to the Committee on Pensions.

By Mr. NORBECK (by request):

A bill (S. 4257) to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska; to the Committee on Territories and Insular Possessions.

By Mr. DILL:

A bill (S. 4258) granting a pension to Mary A. McClure;

A bill (S. 4259) granting a pension to Absalom J. Price; and

A bill (S. 4260) granting a pension to Andrew J. Smith; to the Committee on Pensions.

By Mr. TYDINGS:

A bill (S. 4261) for the relief of Clarence Joseph Deutsch; to the Committee on Naval Affairs.

A bill (S. 4262) to renew and extend certain letters patent; to the Committee on Patents.

By Mr. FRAZIER (by request):

A bill (S. 4263) to authorize the collection of penalties and fees for stock trespassing on Indian lands; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 4264) to amend the packers and stockyards act, 1921; to the Committee on Agriculture and Forestry.

By Mr. FESS (for Mr. WATSON):

A bill (S. 4265) granting a pension to Anna Wheeler; and

A bill (S. 4266) granting a pension to Harriet S. Fredericks; to the Committee on Pensions.

By Mr. THOMAS:

A joint resolution (S. J. Res. 139) for the relief of the Iowa Tribe of Indians; to the Committee on Indian Affairs.

RAILWAY RATES ON GRAIN

Mr. WALSH of Massachusetts submitted an amendment intended to be proposed by him to the resolution (S. Res. 208) calling for certain information from the Secretary of Commerce relative to freight rates on wheat, which was ordered to lie on the table and to be printed.

REGULATION OF POSTAL RATES

Mr. COPELAND submitted three amendments intended to be proposed by him to the bill (H. R. 12030) to amend Title II of an act approved February 28, 1928 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, which were ordered to lie on the table and to be printed.

COMMITTEE SERVICE

On motion of Mr. ROBINSON of Arkansas, it was—

Ordered, That Mr. HAYDEN be assigned to service on the Committee on Mines and Mining; that Mr. SHEPPARD be assigned to service on the Committee on Education and Labor; that Mr. THOMAS be assigned to service on the Committee on the Library; that Mr. GEORGE be excused from further service on the Committee on Military Affairs and assigned to service on the Committee on Foreign Relations; and that Mr. LOCHER be assigned to service on the Committee on Military Affairs.

RIKER MISSISSIPPI SPILLWAY

Mr. FRAZIER submitted the following concurrent resolution (S. Con. Res. 17), which was referred to the Committee on Commerce:

Whereas Senate Joint Resolution 7, Seventieth Congress, first session, provided for joint hearings upon the merits of the Riker Mississippi spillway project; and

Whereas said Senate resolution asked for an appropriation of \$6,000 to construct a model of the Riker Mississippi spillway in the basement of the Senate Office Building; and

Whereas it was stated by the chairman of the Commerce Committee that such an appropriation could not be secured (if at all) in time to permit the construction of the model for consideration by this Congress; and

Whereas to avoid any such delay Mr. Carroll L. Riker built the aforesaid model at his own expense, at a cost of more than \$5,000, with the reasonable expectation that the joint hearing requested in the aforesaid resolution would be accorded him; and

Whereas the Commerce Committee of the Senate and the Flood Control Committee of the House, during their extended hearings, have acquired great knowledge concerning the subject of flood control, and therefore an expression of opinion upon the subject by a joint committee to be selected from the aforesaid committees should bear great weight in future consideration of this matter by Congress: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of members of the Commerce Committee of the Senate and the Flood Control Committee of the House, to be appointed by the respective committees, is hereby authorized and requested to conduct hearings upon the merits of the Riker Mississippi spillway project for control and utilization of the waters of the Mississippi and Missouri Rivers and ramifications; and which said committee shall call and (if necessary) subpoena at least three disinterested civilian engineers which the American Society of Engineers will be requested to select for their outstanding training, experience, and accomplishments in hydraulic engineering, and in addition thereto Maj. Gen. Edgar Jadwin, Chief of Engineers, United States Army, and General Bixby, Chief of Engineers, retired, as experts upon the various factors involved in the proposed project.

Mr. FRAZIER submitted the following resolution (S. Res. 212), which was referred to the Committee on Commerce:

Whereas Senate Joint Resolution 7, Seventieth Congress, first session, provided for joint hearings upon the merits of the Riker Mississippi spillway project; and

Whereas said Senate resolution asked for an appropriation of \$6,000 to construct a model of the Riker Mississippi spillway in the base of the Senate Office Building; and

Whereas it was stated by the chairman of the Commerce Committee that such an appropriation could not be secured (if at all) in time to permit the construction of the model for consideration by this Congress; and

Whereas to avoid any such delay Mr. Carroll L. Riker built the aforesaid model at his own expense, at a cost of more than \$5,000, with the reasonable expectation that the joint hearing requested in the aforesaid resolution would be accorded him; and

Whereas the Commerce Committee of the Senate during its extended hearings has acquired great knowledge concerning the subject of flood control, and expression of opinion upon the subject by it should bear great weight in future consideration of this matter by Congress: Now, therefore, be it

Resolved, That the Commerce Committee of the Senate is hereby authorized and requested to conduct hearings upon the merits of the Riker Mississippi spillway for control and utilization of the waters of the Mississippi River below Cairo, Ill., and for the drainage of the valley; and which said committee shall call and (if necessary) subpoena at least three disinterested civilian engineers which the American Society of Civil Engineers shall be requested to select for their outstanding training, experience, and accomplishments in hydraulic engineering, and in addition thereto Maj. Gen. Edgar Jadwin, Chief of Engineers, United States Army, and General Bixby, Chief of Engineers, retired, as experts upon the various factors involved in the proposed project.

TAX ASSESSMENT OF SENIOR SENATOR FROM MICHIGAN

Mr. LA FOLLETTE submitted the following resolution (S. Res. 213), which was referred to the Committee on the Judiciary:

Whereas the senior Senator from Michigan, Mr. COUZENS, on April 12, 1928, presented to the Senate certain statements which indicate—

(a) That a Senator of the United States was subjected to intimidation in a threat of a huge additional tax assessment by the Bureau of Internal Revenue at the time a committee of which the Senator was chairman was investigating the Bureau of Internal Revenue; and

(b) That David H. Blair, Commissioner of Internal Revenue, formally advised the taxpayer, the senior Senator from Michigan, that the Bureau of Internal Revenue had no information to justify the original assessment in this case, and investigation later revealed the Bureau had extensive information in its files to show that the original assessment had been investigated many times and always had been approved; and

(c) That there is evidence of collusion between high bureau officials and so-called tax experts in an endeavor to extort a huge fee from the taxpayer; and

(d) That these facts were revealed to David H. Blair, Commissioner of Internal Revenue, and there is no evidence of any action taken by him to thoroughly investigate these circumstances; and

Whereas there is involved in this statement by the senior Senator from Michigan, Mr. COUZENS, the honor of the United States Senate and the liberty of action on the part of Senators of the United States; and

Whereas it is due the United States Senate, the Bureau of Internal Revenue, the Treasury Department, the senior Senator from Michigan, and officials of the Treasury Department that each and every fact relating to this transaction be investigated immediately: Therefore be it

Resolved, That the statements made to the United States Senate on April 12, 1928, by the senior Senator from Michigan, Mr. COUZENS, be referred to the Committee on the Judiciary; and that the Committee on the Judiciary, or any subcommittee thereof, is authorized and instructed immediately to proceed to investigate these circumstances; and that in making this investigation the Committee on the Judiciary, or any subcommittee thereof, may subpoena books, papers, and documents in any way related to these circumstances and this transaction, and any and all persons who may be associated with or have any relation to the transaction; and that the committee, or any subcommittee thereof, has authority to sit during this session of Congress, or the recesses of this Congress, and shall report to the Senate in writing at the earliest opportunity.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On April 26, 1928:

S. 205. An act to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin;

S. 802. An act for the relief of Frank Hanley;

S. 1377. An act for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy; and

S. 2442. An act for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy.

On April 27, 1928:

S. 463. An act for the relief of David J. Williams;

S. 484. An act for the relief of Joe W. Williams;

S. 1758. An act for the relief of Fred A. Knauf;

S. 1848. An act for the relief of Frank Dixon; and

S. 2008. An act for the relief of the parents of Wyman Henry Beckstead.

On April 28, 1928:

S. 3506. An act for the relief of the owners of the British steamship *Larchgrove*; and

S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.).

VIEWS ON GOVERNMENT

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Senator BRATTON, of New Mexico, on April 19, 1928 (Patriots' Day), before the Knights of Columbus at Boston, Mass.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

My pleasure in being here is increased when I think of the appropriateness of commemorating the historic event which transpired 153 years ago to-day, when the British made an overt and open attack on the Americans at Lexington under the command of that patriot, Capt. John Parker. That was epoch making in its character. It was important within itself and was increasingly so because it preceded other engagements in the great struggle we call the Revolutionary War, so pregnant with wonderful possibilities concerning the entire civilized world. It is to pay tribute to those veterans who stood in defense of liberty and freedom for themselves, their families, their fellow men, and the unborn generations to follow that we have come together this evening. Not only so, but we may well reflect upon the other valorous deeds preceding and concurrent with the establishment of American independence. It is reassuring to know that men in this busy and prosperous State in the New England section of the country are not too engaged nor engrossed with modern things bearing relation to business and professional affairs to stop and even turn backward into the shades of antiquity for the purpose of paying tribute to our forbears who founded this country at a tremendous sacrifice in order that freemen might live here in peace and happiness. It was President Harding who took delight in referring to them as the Founding Fathers. It was through their foresight, bravery, and manhood that our Nation, now incomparable in its record with anything in the history of the world, was set upon the highway of national existence. Let us pause long enough to consider what a tremendous change would have followed those eventful days of 1775 and the immediately subsequent years had our forbears failed to meet the challenge that was hurled against freedom and independence; had they failed through almost superhuman courage to overcome the apparently insurmountable difficulties and odds. What if they had faltered, submitted, or surrendered?

The entire Republic of mankind would have been affected. The world would be entirely different to-day. We are independent and free. We possess more than one-third of the combined wealth of the world and only about one-sixteenth of the population. Even though we are absorbed with many complicated questions, both domestic and foreign, we must never become too busy to keep freshly in mind the innumerable acts of bravery, valor, and ingenuity of those stalwart men and noble-hearted women who wrought our national existence at a stupendous cost. They must never be forgotten. They and their record must be

kept green with the moss of repetition. This period of history must be taught throughout the length and breadth of the land in every appropriate way. The childhood of the country should receive it through every proper channel. The adult population should review it with pride.

The magnificent part taken by your own State in those colorful days should be known and duly appreciated by every real American. No State has a record more resplendent with events of importance and glory than has Massachusetts. She was among the leaders from the Boston Tea Party even to this very hour. During the Revolutionary War she gave an inspiring account of herself. Immediately following the war, when the Colonies were groping and grappling with their problems, some advocating an association or union of some kind, the exact nature of which was vague and indefinite, while others favored complete independence and dissociation from each other, Massachusetts took her rightful place in molding sentiment among her people as well as the inhabitants of her neighboring Colonies which led the New World into paths of right decision and success. Later, when steps were taken to formulate the convention at Philadelphia for the contemplated purpose of amending and thus improving the Articles of Confederation, your own State was again to the fore. When the delegates determined that it was expedient to depart from the purpose for which they had been selected and, instead of amending the Articles of Confederation, to write a completely new document to be called the Constitution of the United States, the State of which you rightfully are proud, was not remiss in meeting her obligation. She played her part in provoking discussion through the press and elsewhere which had much to do with the final ratification and adoption of that most remarkable document, guaranteeing protection to life and property. From that eventful period until now, Massachusetts has never failed either as a sovereign State or as an integral part of the Union. She met every obligation devolving upon her during the recent World War, by furnishing means, munitions, men, and patriotism.

With this marvelous record, it is perfectly natural to find such a splendid aggregation of men assembled here for the laudable purpose for which you have gathered. Your object is to pay tribute to the men and sentiment blended and typified into the event in commemoration of which we meet. Not only so, but it is altogether appropriate that the assemblage should be held by the distinguished organization to which you belong and which you represent. Knighthood, in the generally accepted sense of the term, has enjoyed a well-understood meaning since its origin in the distant days of history. It has signified an attribute of chivalry, dignity, and bravery. Knighthood in this organization carries a significant meaning which constitutes a challenge to every man fortunate enough to possess it. That challenge is to meet every duty devolving upon you as men, citizens, and Knights of Columbus and to discharge it well. Many duties constantly are resting upon American citizens to-day. Science has done much for mankind. It has lengthened the span of life almost 20 years; it has reduced infant mortality to a minimum; through reclamation it has carried water into the desert and converted vast areas of waste into highly productive assets; it has developed hydroelectric energy at the natural power site and carried it hundreds of miles where homes are lighted, factory wheels are turned, railways are propelled, gigantic machinery is operated, and the burdens of man in innumerable ways have been made lighter. Indeed, science has mastered the sea, the air, and the depths beneath the sea. There is none among us who can forget that wonderful scientific achievement of so recent date when a lone and unknown American boy took to the air in the United States and landed safely in France. Even so, there is much for men yet to do. These are momentous times. We enjoy peace, but I sometimes think there is as much to do then as in times of national conflict. It is the duty of every man to educate himself in order that he may serve his fellow man in the largest possible way. This within itself is a stupendous challenge. When we speak of education we do not mean merely passing the courses or curricula of college or university. That is not a completed education. It is merely a beginning. The time was not long ago when education was looked upon as a means of gaining or earning a living. We have corrected that error now, because education is generally regarded as a means of living. Not how to make a living but how to live. In this sense education is never completed. It runs with the race of life. In this sense the educated man always wants those about him to enjoy the advantages of education, and consequently he is ever engaged in advocating it and encourage others, particularly the youth, to equip themselves in this manner so that they may know how to live.

Education therefore means harmony, brotherly love, union of forces, and Christian companionship, as well as steady progress toward improved conditions and better things. I can not depart from this thought without saying that your distinguished organization has stood at the front in the encouragement of real education in the sense with which I have endeavored to present the subject. That is a cause for much deep and sincere gratification.

Another thing with which we should concern ourselves is to see that one of our organic principles of government; namely, religious tolerance and freedom is perpetuated and made safe as one of the tenets

of our existence. It must be preserved and perpetuated if our well-being is not to become imperiled. The right to entertain our own concept respecting religious beliefs has been advocated by the outstanding men of the Nation at every period since its foundation. An emphatic declaration upon the subject was made in Jefferson's first inaugural address. He said that the principles of our Government rested upon "equal and exact justice to all men, of whatever state or persuasion, religious or political." Later he announced the doctrine of "freedom of religion, freedom of the press, and of the person." In this Jefferson does not stand alone. Leaders in every age, without respect to political affiliation, have joined in the advocacy and urge of this life-giving principle as a part of our existence and well-being. Frankness compels all of us to admit that there are those who are engaged in an effort to proscribe others with respect to religious freedom. Such a course is narrow, intolerant, and death dealing in its results. Nothing is more dangerous to our peace and happiness. We must hold fast to the doctrine that freedom of religion is an inalienable right of every free man in this country. When intolerance enters through the door, freedom departs through the window. The religious views of any man should not be considered as a factor in the equation of his usefulness as a citizen or suitability as a public official. It should never be taken into account in determining his qualification for public service. To do so strikes at the very warp and woof of our independence. It tends toward internal bondage. So dangerous and destructive is this tendency on the part of some of our citizenry that every right-thinking individual should accept it as a challenge and throw himself with his full force against it. It must be annihilated else we become impaled with danger.

Another condition which concerns our well-being is the startling indifference on the part of the masses with respect to exercising the right of suffrage. Statistics tell us that less than 30 per cent of the qualified electors throughout the country have voted during recent years. This is a terrible indictment and yet it is literally true. The laxity with which people have treated this right of freemen is appalling. It becomes increasingly alarming when we realize that the safety of the country lies in having a live, active, virile citizenry awake to the needs of the hour and jealous in their perpetuity. When more than 70 per cent of those who are entitled to vote fail to exercise that right, it augurs for bad results. But, you say, what is the remedy? How can this ill be cured? My answer would be a recrudescence in the study of the history and policy of our Government, both State and National. I fear that the rapid schedule over which we travel has tended to cause us to push aside consideration of such matters, making them give way to other things having a more direct bearing upon our immediate affairs. Obviously we can not appreciate citizenship in our country, nor respond to its rightful demands, unless we know and understand something of our Government; the things for which it stands; the protection which it grants. Neither can we give ourselves to the solution of any of the problems of the day unless we learn something about them. A study of public questions is essential to a well-guided leadership. Incidentally we have some gigantic problems just now. They command the serious application of our entire population. Some of these are Muscle Shoals, Boulder Dam, Mississippi River, reduction of taxes, and other matters too numerous to justify enumeration here. In addition the so-called St. Lawrence River waterway problem, a matter nearer to yourselves, soon will confront us with a demand for its solution. Too, we must evolve a definite policy concerning our foreign relations. Much is being said about our position in Nicaragua. It is discussed almost daily in the Senate. Do the people generally have a settled opinion as to whether we were justified in sending marines there originally, also as to whether we are now justified in keeping them there? Have they determined whether our action in this regard is in harmony or in conflict with the Monroe doctrine? How can they help determine that question without becoming familiar with the facts; and yet it is their very affair. I urge a more diligent study of public questions, with the result that the masses of people shall know more about them and can take a more active part in their solution. The best means of accomplishing this is an active participation in political party activities. I do not mean to advance the cause of any political party. It would be highly inappropriate for me to do so here. I apprehend that there are many Democrats and numerous Republicans listening to me. You are here without reference to being party adherents.

I do not covet having the air in this beautiful room surcharged with partisan politics when I have concluded my remarks. I content myself with urging an active alliance with one of the dominant political parties. In other words, it is my belief that we should have party control and party responsibility. Let the party in power, possessed of the facilities with which to serve the public, be responsible to the people. Neither am I urging that every man run for public office. I appeal to the laymen of the country, who are bearing the burdens of the day, to become more active in public affairs and devote more of their time and talents to the welfare of society, because politics always affects society. Demand clean men of the highest order as candidates and straight, clean-cut issues. When this is done I shall entertain no fears about the welfare of the country. I have implicit confidence in the American people. I hold that the heart of the American people is sound and

right; that they despise corruption in public office regardless of party affiliation. We saw a recent illustration of this. The State of Illinois elected Frank L. Smith as a Senator from that State. He came to Washington, presented his credentials, and demanded his seat in the Senate of the United States. It was made known to the Senate that while he was chairman of the Utilities Commission of the State of Illinois he accepted campaign contributions exceeding \$125,000 from Mr. Samuel Insull, a man heavily interested in public-utilities companies transacting business in that State, in violation of a State statute providing that no member of the commission should accept any such contribution from an agent or employee of any utility company. On this account Mr. Smith was suspended at the bar of the Senate. After a hearing before the proper committee he was finally denied the right to take the oath or hold membership. He submitted himself as a candidate before the people of Illinois in the recent primary. His issue was vindication from the reflection thus cast upon him and the sovereign State of Illinois. The Republicans of that State rejected him by an overwhelming majority, thus putting themselves on record as demanding purity among their public officials. It illustrates in a most forceful way the truth of my declaration that the people, without regard to party lines, want clean government. They want honesty, efficiency, and economy in governmental affairs. The party that can give the largest measure of this will find a welcome among the people. On the other hand, the party that realizes this demand and adheres to it will, in the final outcome, be the most successful.

The question raised by the action of the Senate in rejecting Mr. Smith is an important one which should receive the serious consideration of the inhabitants of this State as well as all others. It is held by some that the power of the Senate in its inquiry into the right of a Senator elect to take his seat is confined to his age, residence, and inhabitance. This is denied by others who believe that no such limitation applies. I have reached the conclusion that, under the two pertinent sections of the Constitution, the Senate is not limited, but may reject upon any ground sufficient, in its judgment. One section of the Constitution provides that in order to be elected to the Senate of the United States a person must be more than 30 years of age, nine years a citizen of the United States, and an inhabitant of the State from which he is elected. Another section provides that each branch of the Congress shall be the sole judge of the election, returns, and qualification of its Members. In my opinion the one provision should not be regarded as a restriction upon the other unless that was manifestly the intention of the framers of the instrument, or unless it is necessary to do so in order to give harmonious effect to the two provisions involved, as well as the entire instrument. I believe no such condition is presented here. The provision with respect to age, residence, and inhabitance is a restriction upon the several States. It provides that no one of them shall elect a person to the Senate unless he has attained that age, has been a citizen of the United States for that period, and is an inhabitant of his State at the time of his election. That plainly is designed to bring about unity among Senators. It is intended to prevent one State from providing certain qualifications, like the ownership of real estate, being the head of a family or other provisions of that character, while another State might provide an entirely different set of requirements. The restriction, according to my belief, is directed against the several States. It in no manner affects the House or Senate. The other provision is directed to each branch of the Congress. It is a grant of power to inquire into the election, returns, and qualifications of its Members. There are no limitations to be found there. The grant is without restriction. The result of this process of reasoning is that the two provisions of the Constitution can be given full force and effect without the slightest conflict and the entire instrument can be brought to a harmonious result. In such case there is no occasion for adopting a construction which makes one provision restrict or abridge the other.

The action of the Senate, which received concurrence of the majority of that body, may not express the interpretation of the statute desired by the people. Accordingly, attention should be arrested, discussion provoked, and sentiment molded to the end that correction shall be made in the proper and orderly way. That is my purpose in bringing the subject matter before you this evening. That is my sole desire.

Captain Parker and his comrades, as well as all other patriots who suffered and sacrificed, fought that a nation might be founded here upon the principles of freedom and independence. That was their joint purpose and common hope. Among these was the right of every freeman to raise his voice without interference in the solution of all public questions. They demanded that no feudal system should find its place here. It was upon those lofty principles that this country started upon its national course. During recent years the country was utterly astounded at the excessively large sums of money that were gathered and expended in connection with the election of certain candidates for office. Nothing comparable with the enormity of these sums was ever known in the entire history of the land. This means corruption and debauchery. It means dishonesty in public life. Such things run squarely afoul with the principles for which our forefathers suffered and bled. It means that they struggled in vain. Such acts of corruption and debauchery, regardless of the political party in which

they are found, must meet with a stern rebuke. They must suffer universal condemnation. They must be stricken down, else the principles upon which our Government rests will be subordinated to them. The two can not stand together.

While we are engaged in reviewing the history and wonderful achievement of our country, I address myself to another matter which I deem to be vital. I refer to the startlingly rapid growth of bureaucracy. This is a danger that is lurking but always present. There has been a steady and never-varying policy during the last decade to create bureaus and commissions at Washington and elsewhere throughout the country to administer law upon every conceivable subject. It has been the policy of the Congress in the enactment of laws to create a bureau or commission and then provide that such agency shall administer the law under such rules and regulations as it may prescribe. This is the tendency of a great percentage of the modern legislation. The result is that rules and regulations are promulgated; they have the same binding force and effect as a statute duly enacted by the Congress. These bureaus are always grasping for additional power. They are never satisfied. They constantly desire an expansion of their prerogatives. This has become so true that they are not servants of the people, but masters of the people. They master you, and yet you never have the opportunity to vote for or against them except in a most indirect and remote way. We now have hundreds of these agencies busily engaged in supervising all kinds of industrial and commercial activities. For this millions of dollars are spent annually. This danger has been referred to as the sleeping paralysis of the Republic. I fully agree with the characterization. It is subtle in its steady grasp but increasingly firm in its mastery of every avenue of government. If I can arouse you to this one danger and send you away as apostles of warning, I shall be abundantly recompensed for my time and travel in coming here.

I have not essayed to be oratorical. It has been my purpose to leave some thought with you upon which you may dwell after I have departed. If anything I have said will provoke thought or discussion among you, I shall have accomplished my purpose abundantly. May your State continue to be prosperous; may you continue to be happy personally and useful in building a greater civilization.

PROHIBITION ENFORCEMENT

Mr. BRUCE. Mr. President, I ask that a statement made in Philadelphia on April 24, 1928, by William Dudley Foulke, of Indiana, formerly a member of the Civil Service Commission, in relation to the bill now pending in the Senate, proposing to cover in the prohibition agents who failed on the recent civil-service examination, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SELECTION OF PROHIBITION ENFORCEMENT OFFICERS

When George William Curtis, Carl Schurz, Theodore Roosevelt, and their associates first undertook the work of civil-service reform, what was their primary object? To eradicate the spoils system. Of this system Lincoln had said, pointing to the crowds of office seekers who beset the White House, "There is a graver danger to our Republic than the rebellion itself." "The bribery chest" (as Roosevelt called it) of the hundreds of thousands of officers was at the disposal of the members of the party in power to use for their own purposes in corrupting the whole electorate by holding out these places as the rewards of political activity and support. The inefficiency of the service and the wasteful expenditure of the millions required to sustain it was a mere incident; the gravamen of the evil was that it infected the moral and patriotic fiber of the Republic. Think you that those who devoted so much of their lives to this cause without hope of reward would have done so for the mere purpose of saving the Government some money or somewhat improving the output of public service? No; it was to save the lifeblood of America from the infection of the spoils of office.

A great deal has been accomplished. Over 400,000 places in the Federal civil service have been withdrawn from patronage; nine States and a considerable number of cities have been more or less protected by the substitution of competitive tests for political appointments. But the work has not yet been half done. Indeed, there are evidences everywhere that the enemies of clean government are attacking us to-day with a fury and venom as dangerous as in the first days of our struggle.

Nowhere has this more clearly appeared than in the Prohibition Enforcement Unit. Let us review for a moment the history of that branch of the service.

I shall say nothing of the intrinsic merits of prohibition itself; but while the amendment and the laws exist it is the plain duty of the Government to enforce them and to appoint for this purpose a corps of officials, competent, honest, and energetic, who will devote their energies to this enforcement and not to lining their own pockets by bribery—not to help carry the district for their Congressman nor to advance the interest of the person or party to whom they owe their appointments. And yet the latter things have been the objects to which their official activities have been hitherto largely devoted. Why is this?

When Volstead and Wayne B. Wheeler drew the law on the demand of the Anti-Saloon League they put in a provision that all the field force engaged in actual enforcement and not mere clerical duties should be excepted from the provisions of the civil service act—that is, that it should become the object of mere congressional or other political patronage. The Anti-Saloon League feared that perhaps under civil-service examinations some agents or other officers would get in who were not in favor of prohibition. The Anti-Saloon League wanted none but its own creatures or adherents and believed it could get these by patronage and favor better than by impartial tests. Therefore at this time it favored excepting these places from the civil service law. Congressmen would no doubt help them to get good prohibitionists who would do just what they wanted. They thought they could control these appointments themselves. So these propagandists of temperance and Christian morality joined hands with the spoilsmen. No doubt some of them would have been in favor of the merit system then, but Wayne B. Wheeler told them, as he also told us, that it was not "practicable." Various Congressmen who wanted these places for their own retainers told the heads of the Anti-Saloon League that they could not get votes enough to pass the Volstead bill if they did not let the Congressmen have the appointments. This was not true. Public opinion at that time demanded the law so strongly not only as a temperance measure but as a war necessity that these Congressmen would have been left at home had they refused to support it. The immense majority in Congress and all the State legislatures which supported the eighteenth amendment had shown this. But the timid representatives of the Anti-Saloon League trembled in their boots under the threat and gave to the Congressmen all the plunder they wanted in the shape of offices in return for their votes.

This transaction had many of the moral attributes of bald, naked bribery. The moral principles of the church organizations taking part in the political deal seemed to be limited to one thing—to prohibition. This sacred cause justified any means, however discreditable, to accomplish it. Political corruption and debauchery were unimportant in comparison, and they might even be tolerated and encouraged. The preachers and bishops who took part in this trade might have called it in others "Jesuitical."

The places thus made political plunder were financially of immense value. Officials in the Prohibition Unit have made many millions of dollars by prostituting their officers and aiding the bootleggers to defeat the law. They have been participants in fraud, hijacking, piracy, and murder. Witness the testimony given in countless criminal trials in which they were involved.

When these public officers were thus sold to venal politicians, what happened? At the time the Volstead Act was passed the Democrats were in power, and these thousands of places were distributed by Democratic Congressmen among their Democratic henchmen, who waxed fat upon the proceeds of their venality. When Harding came in the Democratic rascals were turned out and Republican rascals turned in to fill their places, waxing fatter still, for they had a much longer opportunity. The enforcement service became putrid in its corruption. True, it still contained some honest men who risked their lives to carry out the law; yet in general it was so corrupt that the very name of prohibition agent soon became a byword for venality. President Harding declared that this nonenforcement and betrayal of the law had become a national scandal.

The Anti-Saloon League kept telling us month after month, year after year, that things were getting better while we all knew they were getting worse. Deaths from alcoholism were increasing, arrests, prosecutions, convictions, and violations of the law kept growing constantly. Intemperance, which at first had declined rapidly, soon began to increase, and as shown by police-court records, kept going back again, year after year, closer and closer to its pre-Volstead level, while crimes of far graver character, homicides, burglaries, bank robberies, and hold-ups increased as never before until there are more than 10,000 homicides every year. Of course, all of this was not due to bad men in the Prohibition Service, but they had much to do with it, not only as participants but by encouraging that general defiance of law of which they furnished such nauseating and conspicuous examples. My friends, you know these things are true, you know that this service was thoroughly debauched.

Now, who was responsible? Not only these degraded and criminal officers of the Prohibition Unit, but the Congressmen and other politicians who recommended them for appointment, and the Anti-Saloon League which afterwards certified to the high qualifications of vast numbers of these precious scoundrels before they could get their appointments. It is true that after a while the Anti-Saloon League and Wayne B. Wheeler, its counsel, found out their mistake, and then they claimed that they had been in favor of the merit system all the time but had been overawed by the representations of Congressmen that they could not get votes enough to pass the bill unless they gave Congress the patronage. That made their conduct only more reprehensible. If they had honestly believed in the spoils system, there might have been some excuse, but thus to become the traders of offices for votes when they knew it to be wrong was not only weak but immoral.

And after they found out how badly the spoils system worked, what did they do? They introduced a bill to classify this service and to cover into it all the precious rascals who had been appointed under the spoils system and thus make more permanent the iniquities they had brought into the service. We opposed this bill with all our power and it was not enacted. Then they took a further step by way of compromise. They offered to let the mere subordinates be examined in competition with outsiders but proposed to "cover in" all the more important and higher administrative officers. But it was in these high places that corruption was most rampant. Many of those higher up were the most guilty of all, and we were just as unwilling to keep in these more important miscreants as we were to keep in their less guilty subordinates. So we urged President Coolidge to recommend to Congress that the whole enforcement unit be classified and that all the officers in the bureau, high and low, should have to compete with other applicants from the outside on equal terms. He made this recommendation in two successive messages.

The spoilsmen in Congress were now in a dilemma. They could not vote to perpetuate this bureau thus defiled with iniquity and at the same time keep the support of their constituents, and so they delayed as long as possible and finally voted in the last session of Congress for the bill we wanted.

NATIONAL CIVIL SERVICE REFORM LEAGUE,
New York City.

To the EDITOR:

The following is an extract from an address by Hon. William Dudley Foulke, of Richmond, Ind., to the Council of the National Civil Service Reform League at its meeting in Philadelphia on Tuesday evening, April 24. Mr. Foulke, who is a former president of the league and a former member of the United States Civil Service Commission by appointment of President Roosevelt, first reviews the entire history of the scandals in the Prohibition Enforcement Bureau, due to political manipulation and the facts that led up to the recent examinations held by the United States Civil Service Commission for the incumbents of prohibition enforcement offices. After reciting the fact of the passage of the bill requiring examinations at the last session of Congress, Mr. Foulke goes on to say:

"A filibuster in the Senate at the close of the last session prevented the passage of the deficiency appropriation bill and the Civil Service Commission was deprived of the means of providing the necessary examinations. They went ahead as far as they could and some examinations for the higher administrative officers were held, but examinations for the great mass of subordinates could not be held until the present session of Congress, when at last that body passed the deficiency appropriation bill and gave the commission the necessary funds. Year after year had gone by, nearly eight in all, and at last the commission has begun to hold examinations. The first of these was the written test to show the intelligence of the applicant. This examination was to be followed by inquiries into his personality and character.

"What happened after this first examination? It was found that not less than two-thirds of the worthies foisted upon the country by Congressmen and other politicians, with the cooperation of the Anti-Saloon League, were incapable of answering correctly even 60 per cent of the written questions asked. It became evident that they were devoid even of the necessary intelligence to perform their duties, to say nothing of their honesty and moral qualifications. What a commentary on political patronage!

"And now the spoils mongers, driven to the wall, betake themselves to the pitiable excuse that it was not the fault of these officials that they could not pass, but of the Civil Service Commission, who had made these examinations too hard. And the questions asked, it was said, were not proper tests at all. That is the same wretched pretense that has been made for now, nearly 40 years, by every patronage peddler in America. It is the same false accusation that was utterly refuted by Theodore Roosevelt when he was Civil Service Commissioner, and it has been overthrown ever since wherever it lifted its venomous head.

"Of course, no perfect tests have ever been devised, nor can they be. But the questions asked of these applicants referred only to the duties they were expected to perform and were eminently practical and reasonable—witness the following:

"Assume that you are a prohibition officer working occasionally with agents Jenkins and Thompson, both of whom you have known for about six months. During the progress of an important investigation upon which all three of you are engaged, agent Jenkins approaches you with a statement that Thompson is crooked and is negotiating regularly with violators of the national prohibition act. Assume such facts as you may desire, not inconsistent with those given here, and state in approximately 150 words what, in your opinion, you should do under the circumstances."

"Can you devise anything fairer to test general intelligence such as would be required of an applicant for the place of prohibition officer?"

"Yet one of the applicants in far less than 150 words answers the question: 'There is no truth in the charge.' Though this was a mere

problem to test the applicants' judgment, it may well be asked whether applicants like this should be 'covered in' by special act of Congress.

"Of course, mistakes may be made in the ratings of some of these applicants—when this is true, they can be remedied by rerating when the commission is satisfied that a mistake has been made and this has been done in many cases, but to say that good and bad must all be kept in office is as ridiculous as to say that there ought to be a general jail delivery because one or two convicted men were found to be innocent.

"For in spite of the practical character of the examination there are some, even among those who have heretofore protested their devotion to the merit system, who say, not merely that the commission should make the examination easier and give these incompetents another chance (that would be bad enough), but that they should thus be 'covered in' despite their ascertained unfitness by a special act of Congress which would thus perpetuate the scandals they have already created.

"Two bills have been introduced in Congress for this purpose, one in the Senate by Senator BROOKHART, of Iowa (S. 1905), and the other (H. R. 11193) in the House of Representatives by Mr. ROBINSON of Iowa. These were referred to the Committees on the Civil Service of the two Houses, respectively, and the Senate bill has already been favorably reported, and is likely to pass at any time.

"By this proposed bill all the enormous expenditure authorized by this Congress already appropriated and spent to hold the examinations is to be thrown into the wastebasket.

"Moreover, the outsiders who took the examination in good faith are entitled to consideration in connection with filling these positions and it would be monstrously unjust to permit the offices to which they are entitled to be filled in violation of their rights by the retention of those who are now filling these places. Nothing could more discourage honest competition nor more deeply discredit the merit system than such dishonorable treatment.

"Yet the critics take no account of this at all. They tell us, moreover, that civil-service reformers have now got quite beyond the need of protecting the country from spoils into that purer region where they may confine their energies to devising a 'system of scientific employment.' As if such a system were of any value whatever where the régime of political plunder still holds sway. The argument by which these critics would continue the perpetuation of spoils is this: 'The evidence as to the efficacy of former tests,' they say, 'is none too reassuring. Every investigation which has been made shows that the written tests in use are highly unreliable. Were the prohibition officers tested actually ignorant or were the tests themselves seriously at fault as measuring instruments? Would it not be better to let the operating officer decide who should go and who should stay?' Now, if operating officers were always free agents, honest, impartial, and skillful, they might make the selection better than could be done by any formal tests. But they are not free agents, but are subject to politicians high in office, appointed under the patronage system. Can these politicians be trusted to eliminate the patronage that has given them their places and to retain only the best employees? Will they not select and retain their subordinates on the orders—recommendations they are called, but owe to him who disregards them—of the politicians, Congressmen, or bosses who gave them their own positions, in such a way as will best please their patrons? They are not impartial nor disinterested.

"Often the operating officer can not even turn out the rascal who has dishonored the service lest some Senator, Representative, or other politician will demand his reinstatement and the officer, fearing that he may himself lose his place, weakly submits to what the politician requires.

"Even if it were true, as our critics say, that 'prohibition authorities declare that the Civil Service Commission has eliminated employees whom they think highly of about as frequently as those whose performance is not satisfactory,' this would mean little, for some of these operating officers themselves seem to think highly of those who have aided them in the perpetuation of political spoils. But it is not true that the 'prohibition authorities' have in general given this kind of testimony. As a rule the tests given have generally weeded out the least efficient. And in the formation of the tests the commission has had the aid, sympathy, and support of high prohibition authorities.

"Another argument of our critics is this: 'If you exclude all the men who could not answer even 60 per cent of the questions there may not be eligibles enough to carry on the work and prohibition enforcement will be demoralized for months.'

"How could this be? The men now in office, of course, will be retained until the new list of eligibles is ready and the new appointments made.

"And it would be far better to have the Prohibition Bureau demoralized for some months than to have it demoralized permanently by keeping in the present variegated assortment of politicians appointed by politicians for political or personal ends. Nearly all the men in the service, high and low, are Republicans. Most of them are spoilsmen who accepted office given to them as a personal and political favor. How can you trust these men to eliminate the unfit through their own action and keep in only those who are qualified? Have they done it during all these years?"

"The wisecracks who are criticizing the commission's examination rather than repudiating the ignorant applicants who failed to pass, say that the examination must have been a bad one because the mortality was highest, not in the wet East where corruption was common but in the South and West where prohibition is favored. What sort of an argument is this? The examination held by the commission was merely a test of their intelligence. No question regarding their personality or character was included in it at all. These questions were to come later with the oral examination and with the character investigation. How is a test of a candidate's general intelligence affected by the opinions in regard to prohibition of the section of the country from which he comes, or even by his own opinions or by those of his 'angel'—Congressman or otherwise—who has secured the place for him? Who will say that either the dries or the wets have any special monopoly or advantage in general intelligence? When the advocates of retaining these spooks are so hard put to it that they have to resort to such claptrap as this for argument, it is safe to conclude that their logic may be very weak in other particulars.

"But even if it were desirable that all of these political appointees should be covered in, although they could not pass the examination, there is no need whatever of a new act of Congress to accomplish this great eleemosynary scheme for the protection of the incompetent. The President has full power to cover them all in under the law as it stands. The civil service act provides that the President may except any person or persons from its provisions. Why do the critics insist that Congress shall direct him to do it? It is because they know that he does not desire to keep these places any longer in the hands of political spooks, for he has already twice recommended in his message that the tests should be given equally to all, to those already in the service and to applicants from the outside.

"Which can best be trusted, a President like Mr. Coolidge, who seeks no new term of office for himself and is quite above the thirst for peddling patronage in the Prohibition Bureau, or rather the politicians in Congress, many of whom still want it for themselves? Shame on the man who urges these specious arguments in order to perpetuate the iniquity which exists to-day.

"It is said that some of those in the Prohibition Bureau (who are themselves political appointees) complain that the Civil Service Commission did not consult them in preparing the examination questions. Should the commission confide in the impartiality of men appointed by partisan politics to keep the service out of partisan politics? Should they trust without discrimination the officials of a bureau so deeply honeycombed with inefficiency and corruption to help prepare tests which would undo their own evil course? Should they have the opportunity to disseminate among officials and employees of this bureau a knowledge of what the questions were to be so that some unworthy member could inform favored applicants just how to answer them? The commission did well to keep its own counsel and prepare its tests with advisers of its own selection both in the bureau and outside.

"It is said that it is the general custom to 'cover in' all those in service when a particular branch is classified and that to require them to compete with outsiders is quite unusual. That is true in branches of the service that have done their work with reasonable efficiency untainted by gross scandal, though there are many instances where the employees have been required to compete with outsiders to retain their places to the manifest advantage of the service. But the Prohibition Enforcement Bureau has been for years thoroughly debauched and corrupted.

"Do you say this is all past history and that we have now an administration which is redeeming that past and that all will go well hereafter? We have heard that song for years, and if the corps of miscreants who have caused these scandals are now all covered in, to be dismissed only by those already in the service, we will hear it for another generation.

"It was only last September that Maj. Chester O. Mills, who had been appointed Federal administrator in the largest district in America, thus reports its condition:

"Gen. Lincoln C. Andrews, who was then in charge of prohibition enforcement, had notified the public," says Major Mills, "as he had repeatedly assured me, that politics would have no place in enforcement. * * * Gradually orders to exclude politicians were modified. I was told to advise with the local party leaders regarding appointments to the force of 240 men working under me. * * * In scores of cases involving useless and venal agents, suspected alcohol promoters, and outlaw breweries I felt the working of the political machine, whose wheels do not grind slowly, although they grind exceedingly fine. Through weeks and months contests with the politicians multiplied, bickering increased, until finally action taken against the worst agents I have ever encountered provoked the politicians into open mutiny. * * * They complained that out of the 240 men in my district, nearly one-tenth of the entire Federal dry force, 103 were Democrats. The full roster was submitted to the bosses for inspection. There were only 12 Democrats on the force. * * * General Andrews ordered me to consult Charles D. Hilles, the national committeeman of the Republican Party from New York. Mr. Hilles and I had a conference lasting two and one-half hours. * * * He pointed out that

the patronage system prevailed in every prohibition district throughout the country and that my territory would not be an exception."

"Major Mills now gives a list of the various convicted criminals and other jailbirds who were foisted on him by the Republican politicians.

"A typical recommendation for a dry agent's job is one from Chairman Livingston: 'This is to certify that Samuel Gross is an enrolled Republican.' If the candidate was not hired, a long series of letters and telephone conversations resulted. If he was fired, two and three times that volume of forensic literature developed. * * * Prohibition as at present operated is a party spoils system. Three-fourths of the 2,500 dry agents are ward-healers and sycophants, named by the politicians, and the politicians, whether professionally wet or professionally dry, want prohibition, because they regard prohibition as they regard postmasterships—a reservoir of jobs for henchmen and as favors for friends."

"It is hardly necessary to add that the politicians secured Major Mills's removal.

"That the bureau is largely filled to-day with grafters is evident from Commissioner James M. Doran's statement last January to the United Press, in which he says, criticizing the Civil Service Commission, 'The examinations have created a corps of discontents and grafters. These men have been advised by the commission that they failed in the examinations and sooner or later must leave the service. Consequently they are discontented, and many are "selling out."'

"Why would they be selling out unless they were already venal and corrupt? The bureau is at this very moment honeycombed with men who are betraying and ready to betray their trust.

"Commissioner Doran is further quoted as saying of the civil-service examination, 'It is certain to cause discontent and make potential grafters among the rejected personnel.'

"As the New York Times remarks in an editorial, 'Could there be a sweeter testimonial to the virtue of his flock?' Why should the authors and beneficiaries of this corruption remain and keep their ill-gotten appointments in spite of their proved incompetency? Why should they be in a better position than competent outsiders who are able to pass the examinations in which they failed?

"The results," says the critics, "are too uncertain to justify the use of the tests for eliminating employees who have undergone an expensive training course and have met the requirements of their superiors." The course has indeed been expensive, not only in the money wasted by corruption but in the degraded morality and general lawlessness whose contagion has infected the whole body politic. And now we are told that we must not eliminate in this manner the political hirelings who have 'met the requirements' of their political patrons. These requirements have too often involved not only mere partisan activity but even the willful violation of the law they are sworn to enforce.

"Need it be said that this sort of an argument, whether it proceed from a willful desire to cripple the civil-service system and discredit its advocates or merely from ignorance of the inevitable results of such evil counsel, will be hailed with delight by every political plunderer who is anxious to see the spoils system retained and the deep infamy of the prohibition service indefinitely perpetuated. The views of the man who promulgates such doctrines should neither be indorsed nor followed by those who love the honor of our country."

FARM RELIEF

Mr. BAYARD. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting letter from Mr. B. F. Yoakum in relation to the McNary-Haugen bill.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

NEW YORK, April 23, 1928.

HON. GILBERT N. HAUGEN,

Chairman of the Committee of Agriculture,

House of Representatives, Washington, D. C.

DEAR MR. HAUGEN: Knowing how sincerely you favor farm relief and how earnestly you have worked to that end, I want to say before the final "die is cast" that many of us who could not support the McNary-Haugen bill hoped that some measure might be reported by your committee that would overcome its objections and put the business of farming on a permanently self-supporting basis.

The present bill, while meeting some of the objections which the President in his veto message of the original McNary-Haugen bill pointed out, is in its basic principles and most important features unchanged.

The "equalization fee," which the Attorney General pronounced unconstitutional, remains. True, an alternative plan is provided, but, as you said in your letter to the Greene County (Mo.) Farmers' Association, the backers of the measure believe that this fee is "the all-essential feature of the bill." I see that you have included a clause that if any one provision is held invalid the remainder of the act shall stand. But as this "equalization fee" is still the backbone of the bill, if that is declared unconstitutional it would be mainly loan legislation.

If the "equalization fee" remains, its collection would not be imposed during high prices; therefore the farmer would be taxed at a time of low prices, when he is least able to bear it. He would have no say as to when this tax would be imposed, as the Federal Farm Loan Board would have the power to declare a marketing emergency and impose the fee, with or without the request of the commodity advisory councils or representatives of the producers. The door is thus opened for the worst kind of tyranny, taxation without representation.

Under the new bill the producers would have no voice whatever in the choice of this board which would control the destinies of millions of farmers. It would be, like various other Federal commissions, purely appointive. Mr. Coolidge would, we may be confident, name men he considered best fitted for the task, but some other Executive might not be so scrupulous. The board would necessarily be political in character and might become an ideal resting place for "lame ducks" and politicians whose alleged friendship for the farmer is their chief stock in trade.

With the equalization fee out the bill becomes principally a matter of loans to cooperative or other corporations. No one more strongly favors cooperation in marketing than I do, but to be effective it must be nation-wide "farm-commodity marketing." In no other way can marketing of crops be controlled so as to establish and maintain stabilized prices. Worthy as they are, the hundreds of scattered cooperatives can not separately accomplish the desired result. They must be brought together and each farm commodity organized on a national basis, controlled and managed by its rightful owners, the farmers.

The bill does not provide for this nor for any effective marketing system national in scope. It does provide for huge governmental loans. At first \$250,000,000 was pronounced ample. Now the amount has been raised to \$400,000,000, and no man can tell what the eventual limit might be. Government loans and appropriations grow by what they feed on, and this is staggering to begin with, with no benefit to marketing.

The farm bill lobbyists have not sold the McNary-Haugen bill to farmers on its merits; they have sold it to farmers on a false theory. The average farmer has been led to believe that in some way he will get a share of the \$400,000,000. It has not been made clear to the average real farmer that the assessment of an equalization fee constitutes a claim against them from which there is no escape.

The bill does not touch the chief cause of the trouble, which is the tremendous spread between the producer and consumer, the immense profits made by dealers in whose interest the bill will work. An efficient nation-wide marketing-control system would remedy this, assuring a larger return to farmers and not raising prices to consumers.

"Farm commodity marketing" should be placed on a nation-wide business basis where it could stand alone as other big businesses do. Marketing of farm products should be controlled by the farmers themselves. A real farm commodity marketing system which would put agriculture on a permanently profitable basis can be established to market separately standard farm commodities for an expenditure on each commodity not in excess of the amount provided for in your bill for the board's expenses the first 12 months—that is, \$500,000. The only loans for such commodities as wheat or cotton would be for organization purposes to be repaid from the first crop. These loans would be so small that they could easily be repaid without a fraction of risk by the Government.

The enforcement of the equalization fee and other features of the bill will require an army of employees and Government agents, detectives, and spies; and if every farmer or dealer who does not pay the fee is to be prosecuted, it will soon clog the courts.

Even \$400,000,000 would be a small price to pay if this bill would accomplish the promised results and put agriculture on a profitable basis. But many of us who have studied the question for years know that it will not do so.

Furthermore, what is the use of passing a bill that in its present shape merely invites a presidential veto? Such a bill would not be of any use nor would it be good politics. To force another veto would so strengthen the President with farmers that they would force him to relinquish his hopes of turning the reins of government over to some one else.

Farmers have suffered so long and encountered such financial losses that necessity is forcing them to do some thinking on their own account. When further legislation is enacted they want it of a kind that will enable them to build up their industry on a sound, enduring, and profitable basis. They want to run their business on its merits. Thousands of farmers tell me this personally and by letter. They realize that "he who suffers all he can, can suffer no more."

If your bill, before it is put upon its final passage in the House, were so amended that it would provide for the establishment of a real "farm commodity marketing" system, provide for a combination of cooperatives and the organization of "farm commodity marketing" national in scope, under the management and control of marketing boards composed of producers of the respective commodities, giving

farmers the power and authority to conduct their own marketing on business principles, such a measure would meet with the general approval of the people and I believe that of the President.

Sincerely yours,

B. F. YOAKUM.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, returned to the Senate, in compliance with its requests, the following bills:

S. 3511. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at or near Cotter, Ark.;

S. 3723. An act to amend and reenact subdivision (a) of section 209 of the transportation act, 1920; and

H. R. 12632. An act to provide for the eradication or control of the European corn borer.

The message further announced that the House had passed without amendment the bill (S. 4046) authorizing the Henderson-Ohio River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. MAPES, and Mr. LEA were appointed managers on the part of the House at the conference.

COORDINATION OF PUBLIC-HEALTH ACTIVITIES

The PRESIDING OFFICER (Mr. ODDIE in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JONES, Mr. McNARY, and Mr. FLETCHER conferees on the part of the Senate.

DISTINGUISHED-FLYING CROSS

The bill (H. R. 13331) to authorize the President to present the distinguished flying cross to Ehrenfried Gunther von Huenefeld, James C. FitzMaurice, and Hermann Koehl, was read twice by its title.

Mr. BINGHAM. I ask unanimous consent for the present consideration of the bill that I may move to amend it so as to conform with the bill which the Senate passed by unanimous consent earlier in the day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BINGHAM. I move to insert in the bill immediately after the enacting clause the following:

That the President be, and is hereby, authorized to present the distinguished-flying cross to Col. Francesco de Pinedo in recognition of his extraordinary achievement in making an aerial journey of 25,000 miles by flying boat in the course of which he arrived in the United States by air from Rome.

That the President be and is hereby authorized to present the distinguished-flying cross to Dieudonne Costes and Joseph Le Brix in recognition of their extraordinary achievement in an aerial journey of 35,000 miles in the course of which they arrived in the United States by air after making the first nonstop flight across the South Atlantic.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "To authorize the President to present the distinguished-flying cross to Col. Francesco de Pinedo, Dieudonne Costes, Joseph Le Brix, Ehrenfried Gunther von Huenefeld, James C. FitzMaurice, and Hermann Koehl."

Mr. BINGHAM. I move to reconsider the vote by which the bill (S. 4218) to authorize the President to present the distinguished-flying cross to Col. Francesco de Pinedo, Dieudonne Costes, Joseph Le Brix, Ehrenfried Gunther von Huenefeld,

James C. FitzMaurice, and Hermann Koehl was passed, and that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PENSIONS AND INCREASE OF PENSIONS

Mr. NORBECK submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10141) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the figures proposed to be inserted by said amendment insert "\$60"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with amendments as follows:

Page 2 of the engrossed amendment, in the case of Arthur E. Wilcox, strike out the figures "12" and in lieu thereof insert the figures "20."

Page 7, in the case of Catarino Armijo, strike out the figures "12" and in lieu thereof insert the figure "6."

Page 7, strike out the language "The name of William L. Curry, late scout in the United States Army, Nez Perce Indian war, and pay him a pension at the rate of \$30 per month."

Page 7, in the case of George W. Peck, strike out the figures "30" and in lieu thereof insert the figures "20."

Page 8, in the case of Andrew J. Stewart, strike out the figures "30" and in lieu thereof insert the figures "20."

Page 9, strike out the language "The name of Joseph Baker, who served as Indian scout, United States Army, and pay him a pension at the rate of \$50 per month."

Page 10, in the case of Ella M. Beckett, strike out the figures "30" and in lieu thereof insert the figures "20."

Page 10, in the case of Effie I. Disney, strike out the figures "30" and in lieu thereof insert the figures "12."

Page 10, in the case of Anna M. Sherman, strike out the figures "30" and in lieu thereof insert the figures "12."

Page 11, strike out the language "The name of John L. Baxter, late a scout with the United States Army, Bannock Indian war, and pay him a pension at the rate of \$20 per month to commence March 4, 1927."

Page 11, in the case of Frank H. Wilson, strike out the figures "17" and in lieu thereof insert the figures "12."

Page 18, in the case of Wilbur B. Swafford, strike out the figures "30" and in lieu thereof insert the figures "20."

Page 18, strike out the language "The name of Bascom Prater, late of Company E, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$8 per month."

Page 20, strike out the language "The name of Edward L. Schmiedemann, late of Company B, First Regiment Nebraska National Guard Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving."

Page 20, strike out the language "The name of Milous Day, late of Company D, First Regiment of Capital Guards Kentucky Infantry, and pay him a pension at the rate of \$50 per month."

Page 20, strike out the language "The name of Samuel H. Anderson, late an employee of the Quartermaster Department in the Yellowstone Expedition, and pay him a pension at the rate of \$20 per month."

Page 20, strike out the language "The name of George R. Odle, late of Capt. D. B. Randall's Company, Idaho Volunteers, Nez Perce Indian War, and pay him a pension at the rate of \$20 per month."

Page 21, in the case of William Franklin De Spain, strike out the figures "20" and in lieu thereof insert the figures "12."

Page 22, in the case of James W. Allen, strike out the figures "20" and in lieu thereof insert the figures "12."

Page 22, in the case of Francis H. Kearney, strike out the figures "20" and in lieu thereof insert the figures "12."

Page 22, in the case of Charles A. Packwood, strike out the figures "20" and in lieu thereof insert the figures "12."

Page 22, in the case of Hubert L. Bassett, strike out the figures "20" and in lieu thereof insert the figures "12."

Page 23, in the case of Sarah R. Bates, strike out the figures "20" and in lieu thereof insert the figures "12."

Page 23, in the case of Charles E. Finch, strike out the figures "20" and in lieu thereof insert the figures "12."

And the Senate agree to the same.

ARTHUR R. ROBINSON,

PETER NORBECK,

Managers on the part of the Senate.

HAROLD KNUTSON,

J. M. ROBSON,

WM. C. HAMMER,

Managers on the part of the House.

The report was agreed to.

AMENDMENT OF TRANSPORTATION ACT, 1920

Mr. COPELAND. Mr. President, I gave notice the other day that I desired to have a reconsideration of the vote by which the bill (S. 3723) to amend and reenact subdivision (a) of section 209 of the transportation act, 1920, was passed, and to have the bill recalled from the House. As the time is very short, I ask if it will be acceptable to the Senator from Maryland if we let that go over?

Mr. BRUCE. I think we could discuss it very briefly, if the Senators who are interested in the Boulder Dam bill would allow us a few minutes.

Mr. COPELAND. My only purpose in calling this bill back is to offer some brief amendments which would place the Clyde, Mallory, and Southern Steamship Lines on the same basis as the Merchants & Miners Transportation Line, included in this bill. If I may ask the Senate unanimous consent to have the vote by which the bill was passed be reconsidered, in order that these amendments may be entered, I shall do so.

The PRESIDING OFFICER. Is there objection to the reconsideration of the vote by which the bill was passed?

Mr. BRUCE. Indeed, I object most strongly.

The PRESIDING OFFICER. There is objection.

Mr. BRUCE. Request was made to recall the bill from the House, as I see it, without any valid reason at all after it had been passed by the Senate, and I propose, of course, to resist a motion for a reconsideration.

Mr. COPELAND. I coupled with my request for reconsideration the suggestion of the adoption of these amendments, so as to place all these lines on the same basis. I would have no desire to interfere with the passage of the bill.

The PRESIDING OFFICER. There is objection to the reconsideration of the vote.

Mr. COPELAND. Mr. President, may I ask for a reconsideration of the vote by which the bill was passed and the adoption of these amendments in the same motion?

Mr. FESS. That can not be done, Mr. President.

The PRESIDING OFFICER. It must be in the form of a request for unanimous consent and not in the form of a motion.

Mr. COPELAND. Is there objection to that?

Mr. FESS. That can not be done, Mr. President.

Mr. BLACK. Mr. President, I do not like to object to a request of that kind, but I was the only member of the Committee on Interstate Commerce who voted against a favorable report on the original bill.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 728, the Boulder Dam bill.

Mr. BRUCE. Mr. President, I ask unanimous consent, and I hope the Senators interested in the Boulder Dam bill will unite in the unanimous consent, that we be allowed just a few moments for the purpose of disposing of the pending motion. It will take a very brief time, so far as I am concerned.

Mr. JOHNSON. Mr. President, I regret exceedingly that I can not consent to it. We have a morning hour for that purpose. Our bill will never be proceeded with if we accede to such requests.

Mr. BRUCE. I will say to the Senator that the Senate is going to have several days of discussion in relation to his bill. All we are asking is just a few moments to dispose of the matter which we have been discussing. Here is a bill which passed the Senate and went to the House, was passed by the Senate after it had been approved by the Committee on Interstate Commerce, and after it went to the House this motion is made for a reconsideration in order to let into the benefits of the bill three steamship companies which apparently had taken no notice of the bill during the time it was before the committee and during the time it was pending in the Senate.

Mr. JOHNSON. Much as I regret it, it is obvious that the matter is going to require debate. I see the Senator from Alabama [Mr. BLACK] upon his feet. I do not know whether he is interested. The Senator from New York [Mr. COPELAND] is interested. The morning hour is provided for the consideration of such matters. I am facing a filibuster upon the particular bill in which I am interested, and, therefore, I feel it incumbent upon me to ask that we proceed with the unfinished business.

Mr. BLACK. Mr. President, I am not going to debate the matter. I just want it to be of record that I have voted against the motion when it is taken up. I do not desire to debate it.

Mr. BRUCE. There is nothing to do but to submit.

Mr. JOHNSON. I am sorry, but I desire to proceed with the Boulder Dam bill.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. PITTMAN obtained the floor.

Mr. BRATTON. Mr. President, will the Senator from Nevada yield to me?

Mr. PITTMAN. I yield.

Mr. BRATTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Sheppard
Barkley	Fletcher	Locher	Shortridge
Bayard	Frazier	McKellar	Simmons
Bingham	George	McMaster	Smith
Black	Gerry	McNary	Steiwer
Blaine	Goff	Mayfield	Stephens
Blease	Gould	Neely	Swanson
Bratton	Hale	Norbeck	Thomas
Brookhart	Harris	Norris	Tydings
Broussard	Harrison	Nye	Tyson
Bruce	Hawes	Oddie	Vandenberg
Capper	Hayden	Overman	Wagner
Caraway	Heflin	Phipps	Walsh, Mass.
Copeland	Johnson	Pittman	Walsh, Mont.
Curtis	Jones	Ransdell	Warren
Dale	Kendrick	Robinson, Ark.	Waterman
Deneen	Keyes	Sackett	Wheeler
Dill	King	Schall	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present. The Senator from Nevada will proceed.

Mr. PITTMAN. Mr. President, I do not at the present time intend to discuss this entire legislation. I rise principally for the purpose of discussing the chief committee amendment, which is found upon page 6 of the bill, lines 5 to 12, inclusive, and which reads as follows:

If during the period of amortization the Secretary of the Interior shall receive revenues in excess of the amount necessary to meet the periodical payments to the United States as provided in the contract, or contracts, executed under this act, then, immediately after the settlement of such periodical payments, he shall pay to the State of Arizona 18% per cent of such excess revenues and to the State of Nevada 18% per cent of such excess revenues.

Mr. President, I have heard it charged that that is a revolutionary policy. I wish to state now that it is the uniform policy of the Congress, which was first established in 1908 in connection with forest reserves. The same policy was adopted in the oil leasing bill of 1920 and in the Federal water power act of 1920. Before I conclude I shall cite the provisions of such acts.

It is thought that the States of Arizona and Nevada are attempting to force a bonus out of the Federal Government. There is no such intention whatever. I had the honor to present a resolution at the Denver conference, where the seven States were in conference over the Colorado River legislation last year. That resolution stated the rights of States in waters, the rights of States in the beds and banks of navigable streams. The resolution was worded in the language of the Supreme Court of the United States, which had stated that it is the settled law of the country that beds and banks of navigable streams are owned by the States.

The resolution stated, almost in the direct language of the Supreme Court of the United States, that the waters of the State are under the sovereign control of the State except in one case, and that case is where the State has surrendered its sovereignty over the waters through the interstate commerce clause of the Constitution. In that clause the States gave the Congress of the United States control over all navigable waters for the purpose of commerce. Outside of that clause, no authority was delegated to the Congress of the United States or the Federal Government over any of the waters of the country.

Mr. KING. Mr. President, will the Senator submit to an interruption? However, if he does not wish the continuity of his remarks disturbed, I shall not ask it.

Mr. PITTMAN. I would rather not yield just now. If the Senator will remember his question and ask it at a later time, I shall be glad to answer him.

Mr. KING. I just wanted to suggest that the interstate commerce clause merely gives control to the Federal Government to prevent interference with navigation.

Mr. PITTMAN. I am sorry I can not agree with that statement. I think that the interstate commerce clause has been interpreted to place in the exclusive jurisdiction of Congress the right to do anything with streams that may prevent interference with navigation or that may facilitate navigation. I am frankly stating that one exception. That is the admitted law.

The resolution to which I have referred did not assert the right of a State to tax any Government property, either a dam or reservoir or electric power, if it was Government property. It did assert, however, that the States had the right, being the owners of the beds and banks of the river, to charge any corporation or individual for the use of that land or even to prevent them from using it.

That resolution holds that when the Congress of the United States, under the delegated powers of the Constitution, takes possession of State land—that is, the bed of the river—and uses it for a national purpose for the benefit of the whole country, the policy adopted in the past by Congress should prevail, and that is that the States in all justice and morality should be granted by Congress some compensation for having taken away their taxable property for the benefit of the whole United States. Mind you, that was agreed to by six of the seven States. The State of California simply asked leave not to have to vote on the subject for other reasons than the law.

Let me for a brief moment digress from my argument with regard to this particular subject. It is perfectly evident to all of us that there is such violent opposition to certain provisions of the bill that unlimited debate is threatened in the last hours of this session of the Senate. I do not say that in criticism nor with any reflection upon anyone. We have pursued the practice here, when legislation was sufficiently obnoxious and of sufficient vital importance, of exercising the right of unlimited debate to prevent its passage.

Here is what I want to call to the attention of the Senate in all seriousness. The opposition is not to the amendment which I have read. Arizona is in favor of the amendment which I have read. Utah is in favor of the amendment which I have read. Every one of the Colorado River States is in favor of the amendment I have read. In my opinion California's statement before the conference at Denver shows that they are in favor of the principle.

It is not that which is causing the opposition to the bill. The opposition to the bill is by reason of other provisions of the bill and by reason of the failure to include provisions which those Senators who are opposing it believe are essential to a just bill.

What I am getting at is this: How do we know at this moment what the bill is going to be when we come to vote upon it? Is not the proper thing to do to find out what is going to be in the bill before we oppose the bill? The bill is only suggested by the committee. It is not the act of the Senate. It is not the act of the Congress. We are here to consider a suggestion by the committee. The suggestion of the committee should have weight, of course, because the committee has spent two or three years in investigating the matter, and has spent two or three years working on the legislation. But under the practice of the Senate the bill is open to the consideration of any amendment that any Senator sees fit to offer. If, for instance, the provision of the bill which raises some opposition, namely, that it may be only ratified by six States instead of seven interested States, were changed so that the bill should not go into effect until seven States had ratified it, what objection could the Senators from Utah and Arizona have to it? None whatever, in my opinion, because that would refer the act to their States and their States would pass on it as to whether or not it protected their rights.

So I say that it is not the proper procedure to fight the bill before there is an opportunity to consider the recommendations of the committee as to changes and to consider any recommendations that may be made in the form of amendments by any Senator whatever.

The opposition to the bill loses nothing by attempting to perfect the bill. The same opportunity to fight the bill, if it is not perfected, will exist as it always did. This is an important measure, one of the most important measures that has ever come before this body. We have to deal with the protection, or the proposed protection, of the Mississippi River lands from

floods. Those floods, when they come, eventually recede, even though they cause great destruction. We have a flood situation on the Colorado River that, while it may not be of the magnitude of the situation on the Mississippi, is far more dangerous and far more serious than the floods of the Mississippi River. The floods of the Mississippi River come and go, and have done so through the ages. If the floods of the Colorado ever break into Imperial Valley—which is from two to three hundred feet below sea level, and below the bed of the Colorado River—we will have an irreparable destruction.

There is not a Member of this body who does not desire to protect against that impending destruction. I say "impending destruction" because all of the evidence discloses that that river has built up a delta to such an extent that there is no grade to it, no flow, and no channel; there is but one place for the river to go, and that is into Imperial Valley, if great floods come down the Colorado.

All of us want to protect that valley. It is our duty to do it, the same as it was to protect the Mississippi Valley; but here is the situation:

Senators say, "Build a dam sufficiently high to impound 10,000,000 acre-feet of water, because the holding back of 10,000,000 acre-feet of water will prevent the danger of this flood going into Imperial Valley." It will for 1 year, 2 years, 5 years, 10 years; it will until that capacity is reduced by the settling of silt in the reservoir. How long will that take? Mind you, there is no engineering way to get the silt out of a reservoir. When it is filled up its usefulness is ended.

A reservoir of 10,000,000 acre-feet capacity would not have 10,000,000 acre-feet capacity after the first year, and it would steadily decrease. The water of that river deposits 100,000 acre-feet of silt every year. In other words, it deposits silt that will cover 100,000 acres of land 1 foot deep every year. In building a reservoir that is going to cost this Government a large sum of money in any case it is foolish to build it to last merely 5 years or 10 years. It should be built of sufficient capacity that it will require a number of years to fill it up; and therefore there should be a dam high enough to take care not only of the flood waters but of the silt.

The cost of a dam high enough to impound 10,000,000 acre-feet of water, that would be of value only for a few years, is almost if not quite half as much as the cost of a dam that would not fill up with silt for 300 years. Not only that; a dam that would hold back only the necessary 10,000,000 acre-feet of water, with a steadily decreasing efficiency, would be a total loss to the United States Government, because there never would be any return from it. A dam 550 feet high would last not only for 300 years but the disposal by the Government of the incidental power created by such a dam would pay back the Government every cent of the investment, with interest at 4 per cent per annum.

Which is the practical thing to do? There is not any question about it. I say to you that those who are opposing this bill are in favor of this legislation. The country gets the impression that there is a tremendous opposition against the building of this dam.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. PITTMAN. Yes.

Mr. ASHURST. Surely the Senator does not mean to say that those who are opposing this bill are in favor of the bill or the legislation.

Mr. PITTMAN. No; I do not.

Mr. ASHURST. The Senator can not speak for me upon that point.

Mr. PITTMAN. The confusion arose by reason of my inability to convey my meaning, because there is no difference between the Senator from Arizona and myself.

Mr. ASHURST. The Senator may draw any conclusion he desires. I am opposed to the bill. He is in favor of it if his amendments are adopted.

Mr. PITTMAN. I mean there is no difference in regard to what I mean by this legislation; that is all. I mean by that that the Senator from Arizona, as well as the Senator from Nevada, desires to protect the Imperial Valley against destruction and also the lands on the Arizona side.

Mr. ASHURST. Will the Senator yield? I really would prefer not to interrupt the Senator, but I must.

Mr. PITTMAN. That is all right.

Mr. ASHURST. Yes, Mr. President; the Senator from Arizona—and I shall take the liberty to say, with the kind permission of my colleague [Mr. HAYDEN], who sits here—that both Senators from Arizona are not only in favor of flood control for Imperial Valley, and that in the committee I offered an amendment appropriating \$30,000,000, nonreimbursable and a gratuity out of the Federal Treasury, as a free gift to Imperial Valley for flood control, and the senior Senator from California [Mr. JOHNSON] voted against it. Is that the truth?

Mr. JOHNSON. Part of the truth.

Mr. ASHURST. It is the whole truth, sir.

Mr. JOHNSON. No, no; when the Senator speaks for the Senator from California, he does not speak of the whole situation. Here is a unified scheme with a definite plan that has been presented here session after session. To say merely that a flood-control dam shall be erected in the Colorado River means that the purposes of the whole plan would go to naught, save in the single direction of an inadequate flood control.

Mr. ASHURST. Mr. President, with the permission of the Senator from Nevada, I wish to ask the Senator from California is it not a fact that I offered an amendment to this bill in the Irrigation Committee appropriating as a gratuity out of the Federal Treasury \$30,000,000 for flood control for Imperial Valley? Is that true?

Mr. JOHNSON. It is so that the Senator from Arizona offered an amendment by which there would be a flood control—

Mr. ASHURST. No; I did not ask that question.

Mr. JOHNSON. Wait a minute; I will answer it in my own way.

Mr. ASHURST. Well, then, answer it. Did I or did I not offer an amendment appropriating \$30,000,000 as a free gift for flood control for Imperial Valley?

Mr. JOHNSON. I will answer the Senator's question.

Mr. ASHURST. The Senator is dodging the question. I ask him to answer it, and not dodge it, but to answer it like a man.

Mr. HARRIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JOHNSON. I do not like the offensive manner—

Mr. ASHURST. And I do not like the Senator's dodging of my question. He shall be required to answer.

Mr. PITTMAN. Mr. President, I decline to yield any further.

Mr. JOHNSON. Mr. President, will the Senator from Nevada yield to me? I do not propose, by the Senator from Arizona or any other person, to be accused of dodging anything in this controversy. I proceeded to answer him, and answer him adequately and accurately. I proceed to answer him adequately and accurately now.

The question that arose in the committee arose over whether or not there should be an appropriation for flood control and flood control alone. To that, of course, I objected. That, of course, was not offered, in my opinion, in good faith by the Senator from Arizona, because it foreclosed them from every conceivable claim that they were making before that committee, and every claim that they make now in respect to this particular measure.

Mr. PITTMAN. Mr. President, I do not want this controversy to go on.

Mr. ASHURST. The Senator must yield until I at least challenge the statement that has just been made.

Mr. PITTMAN. Will the Senator try to be brief?

Mr. ASHURST. I will.

Mr. PITTMAN. I wish to go on with my remarks.

Mr. ASHURST. It is strange that the Senator from California, who in committee voted against my amendment for flood control for Imperial Valley, should now try to escape from his dilemma by impugning my good faith. I have served here 16 years, sir, and he is the first Senator who ever accused me of bad faith.

Mr. PITTMAN. I refuse to yield further, Mr. President.

Mr. ASHURST. I repudiate the intimation of the Senator from California, and I say it is unworthy of him.

Mr. PITTMAN. I refuse to yield any longer.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. JOHNSON. Mr. President, will the Senator from Nevada yield?

Mr. PITTMAN. I will not, to anyone. I do not intend to stand here and have this debate broken up by a controversy of this kind.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me?

Mr. PITTMAN. I do not intend to yield to any Senator for any purpose. I am afraid even of the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I was asking the Senator to yield in the interest of peace.

Mr. PITTMAN. I am afraid that what caused this diversion was the fact that I stated that I thought everyone, while not in favor of this bill, was in favor of legislation. I intended by that statement to draw a distinction between the bill and legislation. I only had in mind legislation for the protection of

Imperial Valley—not this bill, but some legislation—and therefore I am sorry that I was misinterpreted.

I reiterate that the purpose of this legislation—still drawing the distinction between legislation and bills—is unquestionably meritorious. I have never heard its merits denied, and therefore I come back again to the question that the only dispute arises over the language and form of the bill. If there is a difference over the language and the form of the bill, why should we not first attempt to agree on the language and the form of the bill before we condemn a bill?

When we finally vote on the bill, it may not be this bill at all. It may be a substitute bill. It may be entirely changed by amendments. I think, therefore, that the orderly, intelligent way to consider legislation is not to say, "I am opposed to the legislation because the bill is not in the form in which I want it," but for Senators first to find out whether they can put it in the form that they want it; and if they are not successful, and still have objections to it, then, of course, we understand their rights and duties in the matter.

I have diverted from the particular amendment I started to argue for the simple reason that I think we stand in our own light; I think we fight the interests of our own communities if we obstruct a bill dealing with legislation that we want and do not attempt to offer any other legislation in its place.

Arizona is not in as great danger as California from these floods, of course, because its land is not below sea level; but there is a large area there that needs flood protection, and should have it. This bill provides that if the seven-State agreement entered into between Wyoming, Colorado, Utah, New Mexico, Nevada, Arizona, and California with regard to the development of that river is agreed to by six States, the law shall go into effect. The Senators from Arizona and the State of Arizona have always contended that that agreement should not go into effect unless ratified by all seven States. That is a question, Senators, of dispute; but I say to you now, if this bill should be amended by the Senate, in its judgment, saying that the act should not take effect until all seven States had ratified it, what objections could the Senators from Arizona, Utah, or anywhere else make to this bill? None at all. They would not object to having the bill referred to their legislatures to determine whether or not it was protective of their States. Why fight this bill until you find out whether or not it can be amended so as to require seven-State ratification?

I state now that if a seven-State ratification amendment were agreed to instead of the six-State provision in this bill, there would be no legitimate grounds for any of the Representatives of the seven States to fight it, because it would be transferring the fight from this floor to the States themselves. Why is not that possible? Why fight this bill, then, until you find out whether or not it can be re-formed according to your particular ideas, whatever they are?

The seven States want this legislation. Ever since 1918 their representatives have been convening and discussing this proposition for the purpose of bringing about legislation of this kind, not in the form of this bill—I do not want anyone to rise to make that point—but legislation of this general kind. It has been a matter of serious consideration for years. An agreement or treaty was drawn up under the authority of Congress with regard to the development of the river; but that treaty was not ratified by the State of Arizona, and consequently it has never gone into effect. Arizona contends that no legislation should go into effect until it has been ratified by her; but an amendment may be offered here by Arizona or Utah or the representative of any other of the seven States requiring seven-State ratification.

Mr. HAYDEN. Mr. President, I will state to the Senator that such an amendment will be offered.

Mr. PITTMAN. Then, if such an amendment will be offered, why not get down to it now and offer it instead of discussing the bill before it is offered? I think it is a serious proposition. I think every Senator who has an amendment to offer to this bill should offer it, let it lie on the table, and have it printed, so that we can consider it, and we should proceed to consider those amendments.

Mr. BRATTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Mexico?

Mr. PITTMAN. I do.

Mr. BRATTON. In that connection I desire to call the attention of the Senator from Nevada to the fact that I have offered an amendment, had it printed, and it is lying on the table now providing that the act shall not go into effect until each and all of the seven States have ratified the compact, if that can be done within 12 months from the time the bill is passed. If not, then construction may proceed on the basis of a

six-State ratification, with a certain limitation as to the maximum use of water in the State of California.

At the appropriate time I shall advance that amendment and discuss it, but I call the attention of the Senator from Nevada to the fact that an amendment looking in that direction has been offered, has been printed, and now lies on the table.

Mr. PITTMAN. I think the Senator has followed the proper procedure.

Mr. ASHURST. I shall promise not to quarrel with the Senator from California—

Mr. PITTMAN. I am very sorry I can not yield now. I am afraid of the Senator.

Mr. ASHURST. I think the Senator should yield at this juncture.

Mr. PITTMAN. Very well; I yield.

Mr. ASHURST. The Senator said it is the duty of the Arizona Senators to introduce an amendment proposing a seven-State ratification. Day before yesterday I introduced the following amendment. May I read it? It is very short?

Mr. PITTMAN. Why not just tell what it is? It is printed.

Mr. ASHURST. No; let me read, for it provides as follows:

Amendment by Mr. ASHURST: *Provided*, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States of Wyoming, Colorado, Utah, New Mexico, Nevada, California, and Arizona, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Arizona or the residents or the people thereof, touching any matter, or thing, or property, or property interests relative to the construction of the Colorado River Boulder Dam project.

That amendment is an exact rescript of the amendments adopted at the suggestion of the Senator from Idaho [Mr. BORAH] and at the suggestion of the Senator from Montana [Mr. WHEELER] with reference to the Columbia Basin project.

My learned friend from Nevada descants ably, as he always does, and intimates that I have been guilty of some remissness, whereas in truth that is the first amendment that I offered. I hope he will not now imply that Arizona has been guilty of remissness or delay.

Mr. PITTMAN. I am not doing so. Just the exact opposite; I said the Senator had done his duty.

Mr. ASHURST. Very well. I thank the Senator for yielding.

Mr. PITTMAN. Both the Senator from Arizona and the Senator from New Mexico have done their duty, as I see it, humble as my opinion may be, in presenting these amendments. I know the Senator desires to get action on his amendment, and I am going to help him get action.

Mr. ASHURST. Will the Senator vote for my amendment?

Mr. PITTMAN. I have not considered it. I may and I may not. I mean by that, the Senator has introduced that amendment for the purpose of getting an expression of the Senate on it, and I am going to help him all I can to get an expression of the Senate on it.

Mr. ASHURST. I hope the Senator will vote for it.

Mr. PITTMAN. I may after I shall have considered it.

This has been a diversion. Let me get back to the amendment. I only stated what I thought it was the duty of the Senate to do in this matter. I will read this amendment once more, and then I am about to close. I want the Senate to understand the amendment. It is found on page 6 of the bill, lines 5 to 12, inclusive, and reads:

If during the period of amortization the Secretary of the Interior shall receive revenues in excess of the amount necessary to meet the periodical payments to the United States as provided in the contract or contracts executed under this act, then, immediately after the settlement of such periodical payments, he shall pay to the State of Arizona 18 per cent of such excess revenues and to the State of Nevada 18 per cent of such excess revenues.

Let us see what that means. This bill provides that before the Secretary of the Interior can start any construction he must have contracts that will insure the return of the money to the Government with 4 per cent interest. It provides that those payments must be made within 50 years. It means that those payments are to be annual, or semiannual, or at some other periodical times.

How much money does it take to pay this back? Let me give the Senate exactly what the Government says about this. Listen to this: Dam, including interest, \$55,000,000; power plant, \$35,000,000; all-American canal, \$35,000,000. That includes interest during the amortization period. This bill pro-

vides that the all-American canal shall be built under the reclamation act, which means that the lands benefited are to pay for it. So we eliminate that item of \$35,000,000.

"Dam, \$55,000,000." That has to be paid for out of the sale of power. If the plant that generates the electricity is built by the Government, that will be another \$35,000,000; and that will have to be paid out of the sale of power.

Under this bill the Secretary of the Interior is given the option either to build this plant or to contract for the use of the water and let the individual build the plant. In any event, the only charge against the power is for the dam and the power plant, or the dam alone. What is the result? It has been estimated that in 35 years this power could be sold at less than 2 mills per kilowatt-hour, and the Government's total investment with interest paid back. But here comes a question. If the Government sells the power for exactly the amount that will meet each annual payment, or periodical payment, and there happens to be some injury to the dam, or to the transmission lines, or to the power house, then there would be a deficit at that time. Consequently, good, economic business management requires that there shall be a reserve, with the result that instead of the power being sold at exact cost, it will be sold at some price above cost. That will be annually an excess revenue over and above the amount required to pay the Government its amortization fee, which means the principal with interest.

This bill gives the Secretary of the Interior the absolute, exclusive power to fix the price at which the power is sold. If he sells the power at cost, then there is no revenue for the State of Arizona or to the State of Nevada. If he sells the power at a quarter of a mill above cost, then the States of Arizona and Nevada get only 37½ per cent of the quarter of a mill, which is a negligible sum. In any event, the testimony shows that under that amendment the returns of revenue to the State would be far less than the taxes they would receive from private individuals, if the dam were built by individuals or corporations.

It is said, however, it is a revolutionary policy. We are not urging the right to tax Government property, we are not urging the right to tax hydroelectric energy created by the Government. We know legally that can not be done. If it could be done, we would not have to be here asking for Congress to do justice.

Senators will remember when we passed the forest reserve act in 1902. What did Congress do in that act? The Congress of the United States, having absolute, exclusive jurisdiction over the public lands of this country, said that the forests of this country were being destroyed, watersheds were being destroyed, and it was absolutely necessary, for the national safety and the national welfare, that we withdraw these great forest areas and prevent them from going into private ownership; and we passed the act of 1902.

What was the result of that? Great national conservation had been accomplished; but it almost destroyed certain counties in the United States. It did destroy some of them. There were counties in the great areas that were forest areas of the West that are now forest reserves, where towns had been built up on the lumber industry, and when the Government of the United States, for the purpose of national conservation, went in there and withdrew all that immense timber area, larger than the State of Rhode Island, in some cases larger than the State of Connecticut, when they withdrew all that land from ever going into private ownership, for the purpose of conserving those forests, those towns which had been built up for the purpose of carrying on the lumber industry found themselves without sufficient taxable property to support town or county government.

What happened? In 1908 the Congress of the United States realized that no particular community should be made to suffer for the benefit of the whole Nation, and passed the act of May 23, 1908 (35 Stat. L. 269), which provided:

* * * That hereafter 25 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

What was that? Twenty-five per cent of the gross receipts from the forest reserves, and yet, as we know, the forest reserves have never made any money since they were created. But the Congress in its wisdom, after the policy which had

proven so destructive to counties and States, thought it right to compensate them when they were destroyed for the benefit of the whole Nation.

At the last session Congress passed a bill to pay to certain counties in Oregon a sum equal to the taxes they would have received had not the lands gone into forest reserves. That was done because those counties had been practically destroyed by the withdrawing of land from going into private ownership and becoming subject to taxation.

That was with regard to forest reserves. Let us see what the next step was. We passed an act to conserve the oil resources of this country. The oil resources of the country were only found in certain sections of the United States, in certain Western States. Before we passed the act of March 11, 1920, those great oil lands were subject to acquisition by citizens of the United States and corporations organized under the laws of the States, and when they became subject to the ownership of those individuals and corporations, they were subject to the taxation of the States. The Congress of the United States came to the conclusion that the oil resources of this country were essential to its protection, were essential to put it on a commercial equality with other countries, and they found it necessary to pass an act, in 1920, authorizing the Secretary of the Interior to withdraw from acquisition by individuals all of these great areas of oil lands. The whole Nation was benefited, but every State where these great oil lands were found was proportionately damaged. Every county in the withdrawn area was practically destroyed, and every town within the withdrawn area was practically destroyed for the time being.

What happened? The Congress of the United States, after having fixed the policy with regard to forest reserves in 1908, in its wisdom and in justice to those States which had been deprived of their property for the benefit of the whole Nation, put this in the oil leasing law:

SEC. 35. That 10 per cent of all money received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per cent, and for future production 52½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress, known as the reclamation act, approved June 17, 1902, and for past production 20 per cent, and for future production 37½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct.

Thirty-seven and a half per cent is the exact amount that is provided in this amendment which I have just read. They gave not only 37½ per cent of the royalties to the States when the lands were withdrawn, but they gave an additional 52½ per cent to the reclamation fund, and the Government kept only 10 per cent to administer the act. That was because Congress, when it passed the act of 1908 giving 25 per cent of the receipts of forest reserves, had already had enough experience with conservation so that they knew it absolutely destroyed certain counties and towns for the benefit of the whole country. So, when they passed this oil act they put the same 37½ per cent in there for the State, 52½ per cent to the reclamation fund, and 10 per cent to the Federal Government.

That was not all. It is said that this is a new policy. We passed here on June 10, 1920, what we called the Federal power act. This dam could be built under the Federal power act if the Government did not see fit to build it. Why? The Federal power act only provided this, that the Government of the United States, through the Interior Department, might lease the use of its public lands to anyone desiring to build a power project. But that was not all. What else did the act say in regard to that? It provided:

(d) To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation.

Then, having done that, they went further and stated this:

That each applicant for a license hereunder shall submit to the commission—

(b) Satisfactory evidence that the applicant has complied with the requirements of the laws of the State or States within which the pro-

posed project is to be located with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to effect the purposes of a license under this act.

I call attention to the fact that Congress at that time recognized that the States do own the beds and banks of navigable streams, that they do have sovereignty over the water, with the exception that the Congress was granted in the Constitution power to control the waters for navigable purposes. Before it would let any license for the use of the public land for power purposes, it required that the applicants should comply with the laws of the State relative to the use of the beds and banks of the rivers, and the use of water over which the State had sovereignty.

That act was intended to govern deals with private corporations and citizens. The Congress of the United States, under the Constitution, the State having delegated that authority, has the right to use the State lands. It has a right to use the lands owned by the States in the bed of a river and on the banks of a river, because the Supreme Court of the United States has held that when the States granted the right to Congress to regulate navigation on rivers, the incidental right of using the land of the State in the bed and on the banks of the river was essential. We do not question that at all. We do not question that the Congress of the United States has the right to use the lands of Arizona and Nevada upon which to build a dam, notwithstanding the fact that the great benefits will be bestowed 250 miles below in another State. We are only calling attention to the justness of the situation.

If the Government did not reach out and take this great power site, the only power site in our State, for flood control, and if a private corporation then did it, that private corporation would have to comply with the laws of our State, and the dam and the power house it built would be subject to taxation and help to support our State. But we are not urging that. We say there are circumstances connected with the whole transaction which justify the United States Government in doing this work itself. As a matter of fact, it is the duty of the United States Government to do the work out of the funds of the Nation, as it should do along the Mississippi River, and not at the expense of a single State or two States or three States.

The Federal power act of 1920 provided that the Federal Power Commission should fix the fees and that the license fees should pay for the use of public lands. It was all right to charge for the use of public lands, but how would the State get paid for the use of its lands? Congress in passing the act realized that the States were being deprived of something, and what did we put in the act? In the act we find this provision, in section 17, page 11, of Public, 220, Sixty-seventh Congress:

That all proceeds from any Indian reservation shall be placed to the credit of the Indians on such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per cent thereof is hereby appropriated to be paid into the Treasury of the United States and credited to "miscellaneous receipts"; 50 per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per cent of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any States shall be paid by the Secretary of the Treasury to such State.

That is the exact amount we have provided in the committee amendment to the pending bill. But, mind you, in that case the States not only get 37½ per cent of the fees charged for the use of public lands, but the dam and plants are to be built by private corporations and private individuals and are to be subject to the regular taxation of the States. In this case it would not be subject to taxation. Under this bill all we will get out of it is 37½ per cent of the profits, which amount we would have gotten under the Federal power act, together with additional revenues from taxation.

Just think of it! Not only does the Congress of the United States, under the power of the Constitution, take the beds and banks of the rivers that belong to the States of Arizona and Nevada for national purposes, but it takes over 400,000 acres of the public lands in Nevada as a reservoir site. It withdraws permanently and forever 400,000 acres of public lands in our State so that they can never come into private ownership and can never be subjected to taxation, and this is done for the purpose of carrying out a great national policy.

But we have not any objection. We have stood for every conservation act that has ever been brought up. To-day nearly one-half of the State of Arizona is taken up by Indian reservations and forest reserves. The Government has prevented them from ever becoming taxable by the State. The same situation exists in Nevada. We do not object, but we do say that the Congress of the United States discovered in 1908 that the forest act of 1902 had destroyed cities and counties, had interfered with the credit of whole States, and then the Congress passed an act providing that 25 per cent of the receipts from sales of timber fees and for grazing should go into the State treasury and into the treasuries of those counties that were interfered with. That was the beginning of the policy.

Then when we reserved forever the land with oil underlying it, so it could not go into private ownership and be taxable, again the Congress said there must be some compensation to the States which are injured for the benefit of the whole United States, and provided not only 37½ per cent of the royalties, the same 37½ per cent that we propose to divide between the States of Arizona and Nevada in this case, but an additional 50 per cent was provided to go into the reclamation fund for the benefit of those States. Again, when we passed the Federal power act Congress recognized that the States own the beds and banks of navigable streams and have sovereignty over the waters thereof, subject only to the superior authority granted by the Constitution to Congress to use them for navigation, and in that act provided that 37½ per cent of the revenues from licenses issued by the Federal Power Commission should go to the States wherein a dam was built.

Away back in 1860 the Federal Government granted every other section of land in certain parts of Oregon to aid the building of a railroad from Portland to the State line, but the railroad company did not comply with the law which required them to sell that land to settlers at \$2.50 per acre, so the Government took the land away from the railroad company and made it into forest reserves, and thus logging ceased and lumbering ceased and manufacturing ceased, and those towns died which were built up there on the strength of the belief that the lands were going to be sold and be subject to taxation. The Congress of the United States at the last session appropriated money to pay these counties the taxes which they would have received for the land if it had gone into private ownership as originally intended.

Do not confuse the proposition. We are not insisting for one moment that we have any right to tax a dam built by the Government of the United States or a power plant built by the Government, or anything owned or built by the Government. We say that Congress has the authority to do justice in this matter, and all we have asked is that if in any year there is in the hands of the Secretary of the Treasury a revenue larger than enough to meet the annual payments on the principal and interest of amortization that then the two States of Arizona and Nevada shall have 37½ per cent of that excess revenue, and that 62½ per cent shall be retained by the Government as a safety reserve fund to meet any deficit that may come in subsequent annual payments.

It is a fair and reasonable proposition, and it is in absolute accord with the whole policy of the Congress which was established away back in 1908 and followed consistently ever since that time. We do not ask that a cent be added to the cost of the power, not a cent. The bill provides that the Secretary of the Interior may sell the power at any price he fixes, and that if there is no excess revenue over and above the amount necessary to pay the Government with interest then the States of Arizona and Nevada get nothing. If there is an excess over that amount, they only get 37½ per cent of it. It is a plain and simple proposition.

Mr. SIMMONS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. PITTMAN. I yield.

Mr. SIMMONS. I am a member of the committee which reported the bill, but the Senator from Nevada knows that I am a member of two other committees, the Committee on Commerce and the Committee on Finance, who are holding meetings at the same hour every day, and that I was not able to attend the meetings of the committee having the Boulder Dam bill in charge. I am not as familiar with the bill as I would like to be.

The Senator spoke about the number of acres of land which the Government would take away from the State of Nevada for the purpose of establishing a reservoir. I understand that when the Government establishes a forest reserve out of Government-owned land, the Senator claims, by reason of the fact that those lands are withdrawn from purposes of production or any use to which they are susceptible of being put, that the

Government, for the purpose of recouping the State for the loss sustained by reason of that withdrawal, has provided that the State in which the reservation is located shall receive a certain percentage of the profits derived from the use of such withdrawn areas.

Mr. PITTMAN. That is correct.

Mr. SIMMONS. The Senator claims that where the Government goes into a section where it owns no land, as in my State, for instance, and buys large tracts of land for the purpose of establishing a forest reserve, provision is therefore made in the act that to recoup the State for the losses sustained by the nonuse of the area the State shall receive a part of the profits derived.

Mr. PITTMAN. That is correct.

Mr. SIMMONS. I do not understand that the Senator is contending that when the Government decides to take over this vast area in his State for the purpose of establishing a reservoir, the Government shall not pay the owners of those lands their reasonable value?

Mr. PITTMAN. The land out there is not privately owned.

Mr. SIMMONS. Is it owned by the State?

Mr. PITTMAN. No; it is owned by the United States Government. It is in the same position as were the forest lands. The forest lands were owned by the Government and were withdrawn from entry or acquisition, and in lieu of withdrawing them from taxation as in the Senator's State, where private lands were taken by the Government through purchase, the Government pays the State 25 per cent of the gross receipts for such forest reserves.

Mr. SIMMONS. Yes; I understand the Senator. I am well aware of how the Government would go and take charge of these lands, and I assumed, of course, that if they were privately owned the Government would pay for them; but I understand now that they are publicly owned. The Government owns the lands?

Mr. PITTMAN. Yes; and simply withdraws them.

Mr. SIMMONS. The Senator said that we ought to put the State of Nevada, with respect to those lands, upon the same footing that we have placed other States in which lands were withdrawn for forest reserves by the Government.

Mr. PITTMAN. Or for oil purposes.

Mr. SIMMONS. That is the Senator's contention, is it not?

Mr. PITTMAN. That is correct. The whole situation is that no State can maintain its sovereignty in the proper way and can not exist without the power of taxation or, necessarily, without property to tax. Eighty-seven and one-half per cent of the lands of Nevada are public lands. We have very large areas there which have been withdrawn as forest reserves. We have large areas withdrawn there as oil lands on the theory that they may have oil under them. We have one Indian reservation, for instance, larger than the State of Rhode Island, with only 400 Indians living on it.

What I am getting at is this: We have reached the constitutional limit of our taxation, and instead of acts to encourage land going into private ownership and being taxable the natural tendency is the other way.

Mr. WALSH of Montana. The unnatural tendency.

Mr. PITTMAN. No; I think the tendency for conservation is natural. I think all of us favor the conservation of our forests, and in a great many cases the burden rests chiefly on the State where it is taken. Sometimes, as I said, it has destroyed whole counties and towns, as it did in Oregon. I believe in the conservation of our oil reserves. I do not think our Navy could compete with any navy in the world that had oil if we did not have oil. I do not believe our commerce could compete with the commerce of any other nation of the world if they had oil and we did not have it. Conservation of oil is essential. When we passed the act giving the Secretary of the Interior blanket power to draw lines around millions of acres of land, with the provision that that land shall never go into private ownership, it was a good step. It was done for the benefit of the Nation.

Mr. SIMMONS. The Government owns a great deal of land that has never yet been declared forest reserves, does it not?

Mr. PITTMAN. Oh, yes; a great deal.

Mr. SIMMONS. Those lands do not pay any taxes.

Mr. PITTMAN. No; they do not.

Mr. SIMMONS. It seems to me the Senator's position is very much stronger as to those lands which are appropriated by the Government for a specific purpose, whether it be as a forest reserve or whether it be for the purpose of a reservoir, when he puts it upon the ground that by that act it brings that particular Government-owned land into utility, but a utility which destroys altogether its value for any other purpose except that specific purpose.

Mr. PITTMAN. That is true.

Mr. SIMMONS. And that the State, therefore, loses any possibility of obtaining any revenue from that land in the future. Now, if it was publicly owned land and not in a reserve, or the Government was leasing those lands out and the Government was permitting them to be logged in a proper way so as to preserve the forests and not destroy them, the community would get the benefit of those operations. But in this particular case the community can never hereafter get any income from the use of these lands.

Mr. PITTMAN. That is exactly the situation.

Mr. SIMMONS. I think if the Senator will put it upon that ground he will be upon a pretty solid and logical foundation.

Mr. PITTMAN. Those 420,000 acres of land will be covered with water in a reservoir. All the land in that area—and there is a lot of it—will be covered forever. All the irrigable land within that district—and there is a lot of it, because it would not be a reservoir unless it was low land along the river—will be covered with water and destroyed forever. The only great dam site in the State of Nevada is this dam site. It happens that the walls rise there perpendicularly for thousands of feet, narrow, straight up, hard, granite rock; and it happens that on the Nevada side above that dam there is a great basin running over into Nevada covering 420,000 acres of land, and that basin is to be covered with this water.

Private individuals want this dam site, of course, because it is a remarkable site. You could build the dam a thousand feet high if you wanted to. The amount of power you could create is enormous. The city of Los Angeles, through its agents, when we were out there with our committee two or three years ago, stated that if the Government did not want to build a dam there Los Angeles would build it. There is no doubt that the people want to build the dam.

If an individual built that dam under the Federal power act, what would happen to Nevada? Under the Federal power act the licensee would have to get permission to use the bed and the bank of the river which are owned by the State of Nevada. He would have to get permission to use the water, which the State of Nevada has the sovereignty over except as against the United States Government under the interstate-commerce clause; and when he built that dam at a cost of \$55,000,000, and when he built that power house at a cost of \$35,000,000, it would be subject to taxation by the State of Nevada at the regular rate of taxation that exists. In other words, since our taxation rate in Las Vegas is about 5 per cent, \$5 on the hundred, the taxes that we would receive from that enterprise would be over \$750,000 a year.

Now, what do we do by this amendment? We are simply following out the policy even as to the exact percentage that was fixed in the oil leasing bill and the Federal power act; that is, that if there are any excess revenues in any year over and above the amount necessary to pay the Government the principal and interest for that year, the excess revenue shall be divided between the Federal Government and the States—that is, 62½ per cent to the Federal Government and 37½ per cent to the States of Arizona and Nevada.

That is 37½ per cent of the net receipts. Under the forest reserve act, when they buy lands in the State of the Senator from North Carolina and make a forest reserve out of them, they pay you 25 per cent of the gross receipts, not of the net receipts. This amendment is 37½ per cent of the net receipts.

I do not know that I desire to say anything more on this matter. I rose in the first place only for the purpose of refuting the idea that there was something new or revolutionary in this amendment. Why not let us get down to the consideration of some of these amendments?

I feel like asking unanimous consent now that we consider committee amendments first, beginning with the amendment that I have just read, and, after the committee amendments are considered, that we then proceed to consider any and all amendments that may be offered. I will not ask that if there is any indication of any objection.

Mr. ASHURST. Mr. President, in reply to the question of the Senator I will say that the concluding part of his speech was an able speech. The earlier part, of course, was worth listening to; but the concluding part of the Senator's speech was a worthy and able speech. Now, the Senator asks me a direct question.

Mr. PITTMAN. No; I will not do it. I was only feeling out the Senator's position in the matter.

Mr. ASHURST. I think it is a proper question.

Mr. PITTMAN. I will withdraw the question. I have not made a formal request.

Mr. President, I ask unanimous consent that I may place in the RECORD at the end of my remarks the resolution that was adopted at the meeting of the governors and commissioners of the seven Colorado River States on August 29, 1927:

Resolution offered by Senator KEY PITTMAN on behalf of the Nevada commission to the Conference of Governors and the Commissioners of the Colorado Basin States in session at Denver, Colo., August 29, 1927

Whereas it is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by navigable waters within the limits of the several States of the Union belong to the respective States within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interests of the public in the waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States; and

Whereas it is the settled law of this country that subject to the settlement of controversies between them by interstate compact or decision of the Supreme Court of the United States and subject always to the paramount right of Congress to control the navigation of navigable streams so far as may be necessary for the regulation of commerce with foreign nations and among the States, the exclusive sovereignty over all of the waters within the limits of the several States belongs to the respective States within which they are found, and the sovereignty over waters constituting the boundary between two States is equal in each of such respective States; and

Whereas it is the sense of this conference that the exercise by the United States Government of the delegated constitutional authority to control navigation for the regulation of interstate and foreign commerce does not confer upon such Government the use of waters for any other purposes which are not plainly adapted to that end, and does not divest the States of their sovereignty over such waters for any other public purpose that will not interfere with navigation: Therefore be it

Resolved, That it is the sense of this conference of governors and the duly authorized and appointed commissioners of the States of Arizona, California, Colorado, New Mexico, Nevada, Utah, and Wyoming, constituting the Colorado River Basin States, assembled at Denver, Colo., this 23d day of September, 1927, that:

The rights of the States under such settled law shall be maintained. The States have a legal right to demand and receive compensation for the use of their lands and waters, except from the United States, for the use of such lands and waters to regulate interstate and foreign commerce.

The State or States upon whose land a dam and reservoir is built by the United States Government, or whose waters are used in connection with a dam built by the United States Government to generate hydroelectric energy, are entitled to the preferred right to acquire the hydroelectric energy so generated or to acquire the use of such dam and reservoir for the generation of hydroelectric energy upon undertaking to pay to the United States Government the charges that may be made for such hydroelectric energy or for the use of such dam and reservoir to amortize the Government investment, together with interest thereon, or in lieu thereof agree upon any other method of compensation for the use of their waters.

We, the undersigned committee, to which has been referred the foregoing resolution, as presented to the conference on August 29, 1927, by Senator KEY PITTMAN, having adopted certain amendments unanimously, which are now incorporated therein, we recommend that the resolution set out above be adopted.

KEY PITTMAN,
FRANCIS C. WILSON,
WM. R. WALLACE,
CHARLES E. WINTER,
A. H. FAVOUR,
DELPH E. CARPENTER.

Mr. ASHURST. Mr. President, I would not speak this afternoon except for the colloquy which just took place between the senior Senator from California [Mr. JOHNSON] and myself.

I have known the senior Senator from California I do not know exactly how many years—at least more than 30 years. I have known the junior Senator from California [Mr. SHORTRIDGE] much longer than that. I regret that the debate on this question of such transcendent importance should have been opened by a challenge of my good faith, such as has just been made by the senior Senator from California; and I am persuaded that as the shades of this murky and gloomy afternoon draw closer about us he will regret much that he should have charged me with a lack of good faith.

Mr. JOHNSON. Mr. President, let me suggest to the Senator that I regret the entire incident equally with him. Let it pass entirely.

Mr. ASHURST. Let me now repeat what I have said before in this forum, namely:

I do not know in the entire history of our country of a State that was ever more ably represented in the Senate of the United States than is the State of California in the person

of her two sitting Members—Mr. JOHNSON and Mr. SHORTRIDGE. I have no reason to enlarge upon the abilities of these two gentlemen or to indulge in any excessive eulogy of them. Before coming to the Senate they were preeminent among the lawyers of their State. I have met them at the bar of the judicial forum; each was a foeman worthy of anyone's steel. All important and grave is this question to my State. I shall not by any intendment, or by any word be betrayed into any characterization of the motives of the Senators from California, and I freely grant that their motives are just as high as my own motives. I believe they are attempting to follow the light as they see the light, and I respectfully insist and demand that the senior Senator from California shall grant the same consideration to others.

Mr. President, I learned in my youth, in the companionship of gay and gallant cowboys about whom clustered a dash of chivalry, that those men who are always so ready to accuse other men of bad faith would better look into their own hearts and search their own consciences. I long ago learned in the company of gentlemen that those who are guilty of intentional bad manners are capable of crime. I do not mean these remarks to refer to anything that has taken place this afternoon, because we are under high tension and are worn down.

The Senators from California have been ably and aggressively pressing this bill for years and they would be more than human, or less than human, if they did not feel some irritation over my determined opposition to their bill. Therefore, I give assurances that although we may be vanquished and Arizona's hope of future development choked and strangled by "Johnson grass" I shall indulge in nothing unworthy or unbecoming a Senator.

The advocates of this bill, with masterly skill, have dramatized the possible menace to Imperial Valley from flood, and with histrionic ability that would arouse the envy of an Edwin Booth or a Richard Mansfield they have made some parts of the country believe that Imperial Valley is in constant danger of being overwhelmed by the waters of the Colorado River unless this particular bill is enacted into law.

If the advocates of the Swing-Johnson bill had exercised energy and good judgment, Imperial Valley would to-day have been protected from floods of the Colorado River, and the all-American canal would have been nearing completion; but, most unfortunately for Imperial Valley, the advocates of this bill have preferred to spend their time and energy in planning how most effectively to exploit Arizona's resources rather than to spend their time and energy in securing the relief which Congress would quickly and amply grant. Just so long as Imperial Valley continues to be beguiled by those urban Pollyannas who seek to acquire Arizona's potential hydroelectric energy, just so long will Imperial Valley be imperiled.

California seeks not flood control but hydroelectric power. Flood control may be the excuse, but power is the substance of the demand for this bill. Arizona has never stood in the way and does not now stand in the way of ample appropriations for flood control on the Colorado River. California has never been willing to have an engineering investigation made of the Colorado River under the terms of section 3 of the flood control act of March 1, 1917.

Politically, financially, industrially, socially, and economically California is one of the most powerful States of the Union, and if her congressional delegation had labored for Imperial Valley along flood-control lines success would have long ago abundantly crowned such efforts.

If the sword of Damocles is suspended over Imperial Valley and if the waters of wrath are held in check only by a tricky guard of sand, let the California delegation but ask for appropriations and the relief prayed for will be promptly granted by Congress.

In the Senate Committee on Irrigation and Reclamation I offered the following amendment to this bill:

Provided, That the sum of \$30,000,000 shall be allocated to flood control and shall not be reimbursable to the United States.

This amendment was rejected by the committee upon the suggestion of the proponents of this legislation, as was another amendment which directed that the Boulder Canyon Dam be built to only such height as would provide flood control.

More than five years ago my colleague and I visited Imperial Valley. He will speak for himself; he is well able to do so; and I will speak for myself. I then became convinced that ultimately flood control would be necessary for Imperial Valley. Later, to wit, about two and one-half years ago, in company with the two Senators from California and other Senators, I again visited Imperial Valley, and my belief that ultimately flood control for Imperial Valley was necessary was strength-

ened and reinforced. I hold that opinion now, hence I repeat that in the committee considering this Boulder Dam bill, S. 728, now before us, I was convinced that it was my duty, if you will pardon me, somewhat to take the lead on flood control, and hence I offered the proper amendment.

The Senators from California voted against these amendments; I do not question their motives in thus voting, but in view of such vote they are now estopped to talk of a demand for flood control. I here disclaim any motive other than that of a sincere desire to use such ability as I possessed to assist in preventing floods from ever overwhelming Imperial Valley. But simply because Imperial Valley requires flood control is no reason why Arizona should be robbed.

The Senator from California is too astute and too sagacious to fail to perceive that it will be 10 years before Boulder Canyon Dam, if authorized, could afford flood control to Imperial Valley—some engineers say 12 years. I felt that it was our duty to take some step looking toward flood control, because the senior Senator [Mr. JOHNSON] said that the peril was immediate and that the waters of wrath would almost any moment overwhelm Imperial Valley and destroy a zone which produces \$70,000,000 or more worth of greenery every year and which has within it 70,000 people. I have no memory for injuries done to me; and let me say of the Senators from California that I would prefer to gild the refined gold of their many virtues rather than to spend any time darkening the shadows of their few defects.

Mr. SIMMONS. Mr. President, may I ask the Senator one question?

Mr. ASHURST. I yield, but must hurry along.

Mr. SIMMONS. I know. It is just a simple question, and the Senator can answer it in a word. What is estimated to be the cost of constructing a dam which would be adequate for the purposes of flood control at that point?

Mr. ASHURST. The Senator knows that I am not an engineer; but from the best advices I am able to obtain, the ultimate cost of a good flood-control dam that would save Imperial Valley would be \$28,000,000; but making all allowances, it would be about \$30,000,000.

Mr. SIMMONS. And the Senator thinks that with \$30,000,000 we can at that point establish such works as are necessary to protect that valley from floods?

Mr. ASHURST. I do; and I call upon all the engineers of America to say whether I am wrong or right.

Mr. WALSH of Montana. Mr. President—

Mr. ASHURST. I yield to the Senator.

Mr. WALSH of Montana. Is it not the idea, however, that if the entire amount is expended to carry out the program as the bill outlines it, which would likewise include the protection necessary, the entire cost would be reimbursed by the avails coming from the improvement, so that the flood-control feature would not be so much outlay from the Treasury at all—that is, so much gone? That is, if the entire project is constructed, the revenues derived from it will take care of the expenditures?

Mr. ASHURST. That is the point where the difference begins, Mr. President. I believe that flood control is a national duty, but because a valley needs flood control it does not necessarily follow that the Federal Government must furnish hydroelectric power and potable water also.

Mr. SIMMONS. The effect of that is, as I understand, that if we confine our works down there to flood control only there would be no income derived from that?

Mr. ASHURST. Manifestly not; and there should not be; and there should be no revenue from flood control.

Mr. SIMMONS. But if we go further and construct a power plant, then there will be an income derived, and the States want to participate in it?

Mr. ASHURST. The difficulty arises from the fact that because Imperial Valley will ultimately require flood control, the city of Los Angeles and other coastal cities make such need for flood control the basis for a demand that hydroelectric energy and potable water shall be furnished to them at Government expense, just as flood control is to be furnished to Imperial Valley at Government expense. The Federal Government can not undertake to furnish hydroelectric energy and potable water to Los Angeles unless at the same time the Government is also willing to furnish hydroelectric energy and potable water to Richmond, Boston, Rochester, Atlanta, Minneapolis, and all other cities applying for the same.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. ASHURST. I yield to the Senator.

Mr. JOHNSON. The income would not be derived solely from the construction of the power plant. It could be derived either from the leasing of the water, without any power plant at all, or from the leasing of units of water in a power plant.

If the Senator will permit me, very quietly and I trust courteously, to respond in just a word to what he has said—

Mr. ASHURST. Certainly.

Mr. JOHNSON. The Senator presented the amendments that he suggests. I sent them to the Interior Department—I have the letter here from the Interior Department—and they declined absolutely to consent to any such basic appropriation. We have carried a bill for years now upon the theory that we were not going to ask a penny from the United States Government ultimately; that the scheme itself would pay for the project. There had been no estimates of a flood-control dam. There had been no budgetary requirements required with. There had been nothing at all except the suggestion that was made by the Senator from Arizona in the amendments that he presented. It was an utter impossibility to transmute this project into a flood-control dam at this particular locality; and, in addition to that, it set entirely at variance every single representation we had made concerning the payment of the particular project; and, beyond that, there is another problem that is only secondary in importance to flood-control, and that is the control of the water that goes down into Mexico.

You could not, with a low flood-control dam—and I have engineering assurances in that regard—control the flow for Mexican lands. The only way in which you can have an absolute control, so they assure me, is by the high dam and the possibilities of regulation with great storage.

Mr. ASHURST. On the contrary, I insist that when you build your dam 550 feet high and generate 550,000 firm, primary horsepower of electrical energy, annually, which is equivalent to all the horsepower generated at Niagara in 1917, you must constantly, and during every minute, allow enormous quantities of water to flow over the dam, for in order to generate this 550,000 primary horsepower the water flow must be constant. It must not be interrupted a moment; but through the years to come who is going to recapture the water after it has passed over the dam? Answer. Mexico and California.

Now, let us examine the arithmetic of this question.

Here [indicating] is a map showing the Colorado River Basin. All of Arizona, except a few hundred square miles in the south, is within the Colorado River Basin. Arizona furnishes 28 per cent of all the waters of the Colorado River.

California furnishes not a drop of water to the Colorado River. Senators, the fact that California furnishes no water to the Colorado River is no reason why she should not have some water from the river, but it is a reason why she should not have practically all the water of the river.

Through her tributaries Arizona furnishes 28 per cent of the waters of the Colorado. The great artery of the Colorado River for 300 or more miles meanders upon her bosom; the river then forms the boundary line between Arizona and Nevada for 100 miles or more. Then, in a meandered line, the river flows [indicating] to the Gulf of California—California, on the western side, furnishing the western bank—the waters debouching into the Gulf of California after flowing through Mexico not quite a hundred miles. Perceive on the map all of Arizona's area within the Colorado River drainage basin, and California's $2\frac{1}{2}$ per cent of her area within the basin. California has appropriated nearly all of the normal flow of the stream and taken it to Imperial Valley, until at times you could play baseball in the bed of the stream below Yuma.

I say to those Senators who honor me by listening, here [indicating] is the Boulder Canyon Dam site, where it is proposed to build the dam. Arizona furnishes one bank of the stream, Nevada the other. California has no dam site and seeks that one site between Arizona and Nevada. The Hand that formed the configuration of the country there and painted it in colors warranted never to fade, in His judgment saw fit to place the dam site between Arizona and Nevada, and southern California now caught within the dizzying whirligig of her dazzling expansion looks eagerly, if not greedily, toward the resources of her sister States. Southern California has been great in her growth, stupendous in her growth. Not elsewhere in the history of the world has such an event occurred as has taken place in southern California in the lifetime of the youngest Member of this body. A proud city of a million souls has grown up at Los Angeles within 30 years. Thrusting out avidly for more expansion, it says, "We must have more water for potable purposes; we must prepare for 6,000,000 people." Hence it demands one-tenth of the river for domestic water and demands that the Government shall generate the electrical energy to pump this water from the Boulder Reservoir, 250 miles to Los Angeles, and this spirit of enterprise and "boosting" causes her to be oblivious to Arizona's claims and just rights.

The senior Senator from Nevada [Mr. PITTMAN] in the concluding quarter hour of his speech made, in my judgment, an

argument that will never be answered, when he pointed out that it was the moral duty of this Government to pay to Arizona and Nevada something for the great resource the Government proposes to take from Arizona and Nevada and give to California. Senators may not see this resource, but it is there and is valuable. There are invisible values. We can not see, we can not weigh nor count, some values. Truth, justice, and credit are not tangible; they are rather invisible and intangible values. That dam site at Boulder is worth—shall I say millions of dollars, although it may appear intangible. I do not hesitate to say it is worth hundreds of millions of dollars to California. Yet in committee the Senators from California fought against and voted against an amendment proposing to pay these two States, Arizona and Nevada, an insignificant sum annually for this resource which California is trying to capture and take from them.

Human nature is the same everywhere. Power, greed, and authority generate an appetite for more power, greed, and authority, and in pursuit of expansion men and nations disregard the rights of smaller nations and weaker men. When we perceive what California is trying to do by this bill, is it any wonder that the Governor of the State of Utah said—

I am amazed that nobody has ever arisen in the United States Senate and denounced the infamous proposition as it deserves.

Although we hope to do so, Arizona has not yet produced any coal or any oil. Hydroelectric power and petroleum gasoline are the great horses of God that are always on the road, and that never grow weary. Rob us of our hydroelectric power, we shall always be stunted and dwarfed. You know what hydroelectric power means to a State that has as yet no coal and oil developed. Is it any wonder, therefore, that we, with militant and determined resistance, insist that our State shall have its just due in any bill you pass dealing with our waters?

You, sir, may I say to the Senator from Montana, took good care to put an amendment on the Columbia Basin bill that no water should be taken from Montana until the States agreed. Are you going to vote against us on this? Are you going to demand that the scales be balanced justly for you but deny the same measure of justice to others? I shall observe how you vote on such a proposition.

California, with 2½ per cent of the Colorado River Basin, and furnishing no water thereto, demands the right to be the sovereign distributor of water and the power which belongs to Arizona. The vandals who rushed to the sack of Rome would have blushed to have proposed such a thing.

My friend the Senator from Massachusetts [Mr. WALSH], sotto voce, says to me, "Take it easy." I ask him, if other States should combine and confederate to rob his State of its only great resource, would he "take it easy?" In mixing a dose of poison for the other fellow, it is always well to go into a closet and say, "How would I like to take a cup of this same medicine for myself?" I have mixed doses for other men, but when I was about to administer them, somehow that still, small voice told me, "How would you like to take it yourself?" and I dashed the cup to the ground, for I am unwilling to commend to another's lip a cup I refuse to press to my own.

Mr. WALSH of Massachusetts. I referred to the Senator's physical strength.

Mr. ASHURST. My physical efficiency is superb. Let no man doubt that my voice, my heart, knees, or backbone will ever play traitor to me in this fight. But if, perchance, I stumble in this fight to the death, my worthy colleague will pick me up, and other men here with impulses for fair play will pick me up. Do you know that if this measure were to come up on its merits, and nobody here were seeking the Presidency, or seeking to be reelected, the Senators from California would be required to give justice to Arizona before they could make any headway on this bill?

The desire of some Senators for delegates to the coming national conventions and the desire of some others for certificates of reelection have induced them to yield to propaganda sent out for the bill, although these yielding Senators know nothing of the demerits of the bill.

It seems as if a desire to capture delegates to national conventions or a desire for certificates of reelection to this body may be likened unto the conscience of which Shakespeare spoke, which "makes cowards of us all."

Much of the southwest portion of Arizona is largely desert, and some of it a real desert, where the scorching sun sends down its shafts of heat like pitiless flails and blazes like a disk of burnished brass, and where only the cacti upthrust their arms into the brazen heat. The soil is, however, very rich, and when water is applied thereto in abundance these lands will produce crops of a highly valuable character.

Mr. President, as the years have lengthened out, pioneers have endured this heat, endured the thirst and distress incident to such surroundings, have gone forward and reclaimed the desert, and if Arizona may be assured of her equitable share of the waters of the Colorado River, more of this land will be reclaimed and brought into cultivation.

I direct attention to the city of Phoenix and its environs in the Salt River Valley.

There is a smiling civilization; there is a superb city built upon a site once occupied by peoples of antiquity, who achieved a culture not wholly contemptible, but who disappeared centuries before Montezuma ascended the throne of the Aztecs. So this modern, graceful Phoenix has literally "risen from her ashes." She must guard her water supply for her thirsty lands surrounding her, and other like sections of the State must likewise guard their waters if they would flourish. We do not covet California's water, but California seeks to stunt our growth by capturing our water. Amidst the flood of misrepresentation that has poured over Senators regarding the Boulder Dam bill I find one statement that ought to have some attention. The Power Trust! If there be a single Senator here, or a person in the United States, who believes that Arizona in opposing this bill is influenced by the Power Trust, let him say so. Insinuations are the refuge of a coward.

If men have charges to make, let them make them. I repeat, insinuations are the refuge of a coward. Arizona has no connection with or interest in any Power Trust. Montana has two great Senators, and when one of her great Senators introduced a resolution to inquire into the Power Trust, the two Senators from Arizona voted with him; but all of the Senators but one who are for this bill voted against him. Does he know that? Does he charge Arizona with being actuated by the Power Trust? Arizona stood with him. I commend that to the Senator from Montana before he makes any reflection upon Arizona as being connected with any Power Trust. Arizona's Senators voted with him and the proponents but one [Senator JOHNSON] voted against the Senator from Montana.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. I yield to the great Senator from Montana.

Mr. WALSH of Montana. I trust the Senator does not impute to me any intimation of any character whatever that the Senators from Arizona were playing the game of the Power Trust. In fact, I may say that this is the first time I ever heard it suggested from any source whatever that the two Senators from Arizona were actuated by any desire but the most sincere purpose to subserve the interests of their State.

Mr. ASHURST. I accept the Senator's statement.

There is one newspaper of such influence, of such character, of such worth, that I must not pass by its editorial of yesterday morning. I refer to the New York Times. That paper, in an editorial entitled "Harnessing the Colorado"—I was about to say "harassing the Colorado"—quoted at length from Mr. Harry Chandler, of Los Angeles, who the New York Times says is a pioneer in the development of Imperial Valley, and argues for the Boulder Dam bill.

I have no desire here or elsewhere to rake the dying embers of an ancient feud between Mr. Chandler and his interests and myself. But the editorial in question from this paper concludes by saying:

Dwellers in the Imperial Valley are constantly threatened by the flood waters of the Colorado. Here is an imperative and urgent need. Congress should not allow the appeal of the valley for protection to go unheeded.

The New York Times is a paper that would welcome a correction. If the construction of the Boulder Dam were authorized, it would be some years before the dam would afford any protection from floods in Imperial Valley. So I say, in reply to that editorial, let the Congress pass a bill granting flood control to Imperial Valley and take up the question as to whether Los Angeles should have potable water at the expense of the Government, and whether Los Angeles and other coastal cities should have electrical energy at the expense of the Government, and thrash these questions out later. But the Senators from California undoubtedly fear that if a flood-control dam should be built at Boulder or at any other place on the Colorado River it might in some way destroy their hope of securing potable water for their coastal cities or electrical energy at Government expense for those cities.

These California Senators anticipate the difficulties of the future. That is only a common part of their magnificent strategy at the bar and in the Senate. But let no one be de-

ceived about Boulder Canyon Reservoir affording any flood control to the Imperial Valley within the lifetime of anyone now occupying a seat in the United States Senate.

The proposed dam at Boulder or Black Canyon, as authorized by this act, would be at least 675 feet high. It would be "550 feet above the present water level" and "125 feet below the water level to bedrock." (A. P. Davis, Senate hearings on S. 320, p. 493.)

There is no dam now in existence comparable with it. It would be equal in height above the water level to the Washington Monument. In this connection the testimony of Col. William Kelly (House hearings on H. R. 2903, April 23, 1924, pp. 1251, 1252) is pertinent:

Colonel KELLY. As you go up in height the mere weight of the dam itself puts a pressure on the foundations that runs into very large figures. On the Washington Monument that pressure was great enough to cause the stones to sprawl at the edges around the bottom of the monument. * * * In addition to the weight of the structure itself you have the pressure of the water behind it which greatly increases the stresses, especially on the downstream part of the foundation. In order to keep these stresses within reasonable limits the dam has got to be widened out and made very wide at the base.

In this connection I again direct your attention to the fact that the foundations of the dam will be at least 125 feet below the water surface. This is a greater depth than has ever been used as a foundation for any other dam, and its total height from bedrock to crest will be 675 feet. Continuing Colonel Kelly's statement, he said:

Up until a few years ago the usual practice on gravity dams was to keep the maximum stress below 20 tons per square foot. The Reclamation Service, in designing some of their higher dams like Arrow Rock, found that in order to comply with that requirement they had to expand the dam at the base to such an extent that the cost became very great. They consequently made use of the arch principle in combination with the gravity section or weight of the dam and allowed a maximum stress of 30 tons per square foot.

The Reclamation Service, evidently in an attempt to keep the estimates of the cost of Boulder Dam within the bounds of reason, felt that it was necessary that some further modification be made, but away from the principle of safety, because, continuing to quote from the testimony of Colonel Kelly:

In the design of this Boulder Canyon high dam they again found that going up to 600 feet, 30 tons per square foot required a dam of abnormal dimensions, and their design proposes to have an allowable maximum stress of 40 tons per square foot on that 600-foot dam.

Mr. President, it would be disgraceful for me to refer in improper terms to the recent collapse of the St. Francis Dam, near Los Angeles. All men of character and conscience regretted that calamity. Success in this world soars aloft on high and rapid wing, and surely the unfortunate collapse of that dam was the hanging out of a red-lantern danger signal advising that we must be certain in these great projects that we give safety and security. The only way to proceed is to be sure of the foundation. Let engineers of national repute, engineers of large ability, be given opportunity to pass upon and approve this project, and you then will have removed what is now an insuperable obstacle in your path.

When California statesmen shall extend the hand of amity and justice, when California statesmen shall extend the hand of friendship, Arizona will go half way. When California statesmen shall speak with the voice of reason instead of the voice of selfishness, with the voice of calm diplomacy instead of with a forked tongue, then Arizona will be willing to assist them in what they believe to be an enterprise of gigantic magnitude. I denounce this present Boulder Dam bill in the name of that fair play which most bullies and all prize fighters respect.

Mr. President, I ask unanimous consent to insert at the conclusion of my remarks certain editorials regarding the Boulder Dam question.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorials are as follows:

[From the Ottumwa, Iowa, Daily Courier]

DEFEAT IS DESERVED

Senator ASHURST, of Arizona, threatens to talk the Boulder Dam bill to death if and when it comes up for action in the Senate. He led a successful filibuster against the project in the last Congress and thinks himself well able to lead another in case of necessity.

In his minority report differing from the favorable findings of the Senate Committee on Irrigation and Reclamation Mr. ASHURST has provided texts to keep opponents of the measure talking for a long time should a second filibuster be undertaken.

In that report he lists and enlarges upon 15 objections to the Boulder Dam proposal. His first objection is that the bill would authorize an invasion of Arizona by the Federal Government over the State's protest—an unconstitutional trespass on the State's sovereignty. Other objections are, in effect, that the bill discriminates in numerous ways against the States in the upper basin of the Colorado River, and in favor of California, which, though it contains only 2½ per cent of the basin and contributes no water, would appropriate 38 per cent of the water supply made available by the dam.

The final and completely unanswerable objection urged, not only by Senator ASHURST but by numerous other opponents of the project, is that the bill, which would authorize the expenditure of many millions of dollars of Government money, makes no provision for a review of the plans by competent engineers and financial experts to guarantee the practicability and safety of the dam.

More than anything else the Boulder Dam bill is a California power project. The seven States that would be affected directly by the dam's construction have reached no agreement as to the distribution of the water supply. Altogether the huge project, which would be loaded upon the shoulders of the Nation's taxpayers mainly for the benefit of private interests, richly deserves defeat.

[From the Chicago Tribune, April 10, 1928]

IS BOULDER DAM TO SUCCEED TEAPOT DOME?

The analysis of the Boulder Dam project by Harper Leech, of the Tribune, leaves little doubt of the true character of the proposal. If the thing goes through, the scandal, we believe, will be fully comparable to Teapot Dome, if it does not surpass it. The intent appears to be no less infamous.

The propagandists say that Boulder Dam is required to control the floods which threaten the Imperial Valley. If so, the proposed site is not best for the purpose. The propagandists say further that the electricity which can be generated at the dam will pay the whole expense of the project. Mr. Leech believes the cost of electricity from the dam delivered at the consuming centers would be higher than the cost of steam-generated electricity. Where electricity from the dam would be cheap there is only desert and an occasional ranch house to use it.

Little doubt remains that the driving power behind the colossal Boulder Dam propaganda is the desire of owners of desert real estate to get rich at Government expense. There is evidence that they propose to do this by a manipulation of water rights to their own advantage. We can see little distinction in morals between a conspiracy for oil and a conspiracy for water when in both the rôle of the Government is to enrich the private individual who happens to be on the ground floor.

Whatever advantage there is appears, indeed, to be on the side of the oil conspirators. From them, at least, the Government was going to get fuel tanks at strategic places and fuel oil to put in the tanks. Some of the tanks have been built. The Nation, as such, gets nothing from Boulder Dam except expensive and perhaps inadequate flood control, uneconomical electricity, and more farm lands at a time when fewer rather than more farms are needed. The Government pays the bill, which is likely to exceed by far the original estimate of \$125,000,000, and the speculators get the profit.

[From the Chicago Tribune, April 16, 1928]

BOULDER DAM NEEDS INVESTIGATING

Senator ASHURST, of Arizona, has opened the attack on the Boulder Dam bill in the Senate by filing a minority report as a member of the Irrigation Committee. Senator ASHURST is attacking the bill as a spokesman for Arizona. He says the bill is a "reckless and relentless assault" on his State in that it deprives Arizona of its fair share of water for irrigation and of the power to be generated at the dam.

Mr. ASHURST had already threatened a filibuster against the bill. We are persuaded that the Boulder Dam proposal should be defeated. The expenditure of \$125,000,000 of the taxpayers' money, primarily for the benefit of real-estate speculators, would be worse than unwise; it would be a scandal as odious as Teapot Dome.

If ever a filibuster were justified, the one threatened by Senator ASHURST is justified. Unfortunately, the filibuster can serve to prevent action at this session only and the project is certain to be revived at the next. A sweeping inquiry is likely to prove more serviceable. It will show, among other things, the sources of the astonishing propaganda in favor of the dam and whose pockets will be lined if the dam is built.

There has been no such inquiry. Hearings on the bill have been conducted by the Committees on Irrigation of the two Houses, but the members from the States of the Rockies and westward dominate the two committees. The Senate committee consists of 15 members. Only three of them are from States east of the divide. Of the three, one is a Nebraskan and the other a Texan. Western Nebraska and much of Texas are arid. Only one member of the committee, SIMMONS, of North Carolina, is not likely to have a pet irrigation project for which he desires the approval of his fellow members of the committee. To talk of

a fair hearing on the merits of an irrigation project before such a committee of back scratchers is to talk arrant nonsense.

The situation in the House is similar. The House Committee on Irrigation and Reclamation is made up of 17 members. Of the 17, 12 are from mountainous and arid States. The 12 are not likely to insist upon a careful analysis of any irrigation project. They do not want the precedent of holding such inquiries to be established.

Mr. ASHURST has dramatized his position as a fight for Arizona against California. That is good political medicine in Arizona, but it will not engage the sympathy of the citizenry in the Mississippi Valley and eastward, where rather more than three-fourths of the citizenry and very nearly all the taxpayers live. If an injustice to Arizona is threatened, it is nothing compared with the injustice to the taxpayers, whose representatives are, therefore, Mr. ASHURST's natural allies in this fight. If he will broaden the basis of his opposition to include them, he will have far greater chances of winning out. The taxpayers and their representatives will support him in a demand for an investigation and the investigation will not only save Arizona's rights but prevent a national disgrace.

[From the Chicago Tribune, April 17, 1928]

MR. ASHURST ON BOULDER DAM

Senator ASHURST, of Arizona, threatens to talk the Boulder Dam bill to death, if and when it comes up for action in the Federal Senate. He led a successful filibuster against the project in the last Congress, and thinks himself well able to lead another in case of necessity.

In his minority report, differing from the favorable findings of the Senate Committee on Irrigation and Reclamation, Mr. ASHURST has provided texts to keep opponents of the measure talking for a long time should a second filibuster be undertaken. In that report he lists and enlarges upon 15 objections to the Boulder Dam proposal. His first objection is that the bill would authorize an invasion of Arizona by the Federal Government over the State's protest—an unconstitutional trespass on the State's sovereignty. Other objections are, in effect, that the bill discriminates in numerous ways against the States in the upper basin of the Colorado River, and in favor of California, which, though it contains only 2½ per cent of the basin and contributes no water, would appropriate 38 per cent of the water supply made available by the dam.

The final and completely unanswerable objection urged, not only by Senator ASHURST but by numerous other opponents of the project, is that the bill which would authorize the expenditure of many millions of dollars of Government money makes no provision for a review of the plans by competent engineers and financial experts to guarantee the practicability and safety of the dam.

More than anything else, the Boulder Dam bill is a California power project. The seven States that would be affected directly by the dam's construction have reached no agreement as to the distribution of the water supply. Altogether the huge project, which would be loaded upon the shoulders of the Nation's taxpayers mainly for the benefit of private interests, richly deserves defeat.

Mr. ODDIE. Mr. President, I do not intend to discuss this Boulder Canyon legislation at length now because of the lateness of the hour. It has been gone into quite fully, and we will hear more from it at a later time. But at this time I want to make one reflection on the physical character of the dam site at Boulder Canyon.

The Senator from Arizona has just referred to a recent very distressing disaster that occurred to a dam in southern California. The reason for that disaster has been brought out, namely, that one of the sides of that dam was built into a rock formation which was not of a permanent or strong enough character to support a dam of that size. That is most unfortunate and distressing. I do not cast any reflection upon or criticize the engineers who constructed the dam, because what they did has been done. Human intelligence or human judgment might or might not have been at fault.

Mr. President, the site at Boulder Canyon is as perfect a site as has ever been selected for a dam. I personally would not object to another investigation of the site by proper engineers under proper appointment. Boulder Canyon offers a site on which great precipices rise nearly 2,000 feet on each side of the river, forming a narrow chasm for miles. The rock is solid granite. The Department of the Interior some years ago made an investigation of the site. A large amount of money was expended in boring. They found a solid rock foundation for a great depth and for indefinite distance into the sides of the canyon. There is no better site in the world than Boulder Canyon for a dam—a safe site, a site that will maintain a dam and hold it as solid as Gibraltar for all time to come.

Mr. President, I thoroughly approve this legislation and shall have more to say on it at a later time.

RECESS

Mr. CURTIS. I ask that the unanimous-consent order be carried out at this time and that the Senate take a recess until to-morrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon the Senate (at 4 o'clock and 2 minutes p. m.), under the order previously entered, took a recess until to-morrow, Sunday, April 29, 1928, at 11.45 o'clock a. m.

HOUSE OF REPRESENTATIVES

SATURDAY April 28, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, the Father of our Lord Jesus Christ, a strange, mysterious, yet merciful guest has fixed this day. The shadow of death has fallen across our common path. O in the hope and glory of Thy promise, let these moments whisper unto us as they pass by. We thank Thee that the resources of our wearied lives are in the heavenly regions, where the dreams of love and faith come true. We would brush aside the shadow of distress with the heart of a child who sees his Father's face and breathe the vigor of the everlasting hills. We silently wait; do Thou quiet the restless pulse of care. The air is chilled; a familiar voice is unheard; a prince among men has fallen. We thank Thee for such a life given to the Republic, for its genius and for its potencies—aye, for a life that walked in the pride of personal honor. As we meditate upon his memory, his fortitude, his unselfish love for country and for all men, grant us Thy benediction. Reach forth Thy arm of infinite love and encircle those who sorrow. Over the sea and through the storm may they see Thy face and hold Thy hand. When we have passed through the afternoon of life and face the sunset skies, O may the morning skies scatter the shadows and let it be daylight everywhere. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that on the following dates the President had approved and signed bills and a joint resolution of the House of the following titles:

On April 26, 1928:

H. R. 11023. An act to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains, of the State of California;

H. R. 11685. An act to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; and

H. R. 12441. An act to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress.

On April 27, 1928:

H. R. 10437. An act granting double pension in all cases to widows and dependents when an officer or enlisted man of the Navy dies from an injury in line of duty as the result of a submarine accident;

On April 28, 1928:

H. J. Res. 244. Joint resolution authorizing a modification of the adopted project for Oakland Harbor, Calif.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

H. R. 8132. An act authorizing the appropriation of \$2,500 for the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding of the Indian peace council, at which treaties were made with the Plains Indians in October, 1867; and

H. J. Res. 239. House joint resolution authorizing the erection in the District of Columbia of a monument in memory of Peter Muhlenberg.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4046. An act authorizing the Henderson-Ohio River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky.;

S. 4222. An act to authorize the creation of Indian trust estates, and for other purposes; and

S. J. Res. 125. Joint resolution authorizing the President of the United States to accept a monumental urn to be presented by the Republic of Cuba, and providing for its erection on an appropriate site on the public grounds in the city of Washington, D. C.

The message further announced that the Senate insists upon its amendments to the bill (H. R. 12286) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HALE, Mr. PHIPPS, and Mr. SWANSON to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 3740) entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JONES, Mr. McNARY, Mr. JOHNSON, Mr. FLETCHER, and Mr. RANDELL to be the conferees on the part of the Senate.

The message further announced that the Senate had passed the following resolution:

Senate Resolution 210

APRIL 27, 1928.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. MARTIN B. MADDEN, late a Representative from the State of Illinois.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

JOINT RESOLUTIONS AND BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on April 27, 1928, they presented to the President of the United States for his approval joint resolutions and bills of the House of the following titles:

H. J. Res. 145. Joint resolution to provide for the payment of an indemnity to the Chinese Government for the death of Chang Lin and Ton Huan Yah, alleged to have been killed by members of the armed forces of the United States;

H. J. Res. 146. Joint resolution to provide for the payment of an indemnity to the Dominican Republic for the death of Juan Soriano, who was killed by the landing of an airplane belonging to the United States Marine Corps;

H. J. Res. 147. Joint resolution for the relief of the estate of the late Max D. Kirjasoff;

H. J. Res. 148. Joint resolution to provide for the payment of an indemnity to the British Government to compensate the dependents of Edwin Tucker, a British subject, alleged to have been killed by a United States Army ambulance in Colon, Panama;

H. J. Res. 149. Joint resolution to authorize an appropriation for the compensation of William Wiseman;

H. J. Res. 150. Joint resolution to provide for the payment of an indemnity to the Government of the Netherlands for compensation for personal injuries sustained by two Netherlands subjects, Arend Kamp and Francis Gort, while the U. S. S. *Canibas* was loading on May 1, 1919, at Rotterdam;

H. J. Res. 151. Joint resolution to provide for payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps;

H. J. Res. 152. Joint resolution authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Congress of Entomology to be held in the United States in 1928;

H. J. Res. 230. Joint resolution to provide for the membership of the United States in the American International Institute for the Protection of Childhood;

H. J. Res. 244. Joint resolution authorizing a modification of the adopted project for Oakland Harbor, Calif.;

H. J. Res. 259. Joint resolution authorizing assistance in the construction of an inter-American highway on the Western Hemisphere;

H. J. Res. 262. Joint resolution requesting the President to extend to the Republics of America an invitation to attend a conference of conciliation and arbitration to be held at Washington during 1928 or 1929;

H. R. 484. An act to amend section 10 of the plant quarantine act, approved August 20, 1912;

H. R. 2654. An act for the relief of Anton Anderson;

H. R. 4068. An act for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army;

H. R. 4126. An act authorizing the Secretary of the Interior to issue a patent to Katie Cassidy for a certain tract of land;

H. R. 6103. An act to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for fiscal year ending June 30, 1884," and for other purposes;

H. R. 6862. An act authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States;

H. R. 7184. An act authorizing J. L. Rowan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Shawneetown, Ill.;

H. R. 7722. An act authorizing the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards;

H. R. 8128. An act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory;

H. R. 8487. To adjudicate the claims of homestead settlers on the drained Mud Lake bottom, in the State of Minnesota;

H. R. 9047. An act to authorize appropriations for the construction of roads at the Presidio of San Francisco, Calif.;

H. R. 9485. An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives and assigns, to construct, maintain, and operate a bridge across the Wabash River, at or near McGregors Ferry, in White County, Ill.;

H. R. 9569. An act authorizing the payment of an indemnity to the British Government on account of the death of Reginald Ethelbert Myrie, alleged to have been killed in the Panama Canal Zone, on February 5, 1921, by United States Army motor truck;

H. R. 11212. An act authorizing Paul Leupp, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near Stanton, N. Dak.;

H. R. 11265. An act authorizing the Cabin Creek, Kanawha Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River, at or near Cabin Creek, W. Va.;

H. R. 11266. An act authorizing St. Albans Nitro Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River, at or near St. Albans, Kanawha County, W. Va.;

H. R. 11267. An act granting the consent of Congress to the board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River, at or near the road between the villages of Cohasset and Deer River, Minn.;

H. R. 11279. An act authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes.

H. R. 11356. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River, at or near Rockport, Ind.;

H. R. 11473. An act granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North, at Fargo, N. Dak.;

H. R. 11478. An act to amend an act to allot lands to children on the Crow Reservation, Mont.;

H. R. 11578. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River, at or near Weslaco, Tex.;

H. R. 11583. An act granting the consent of Congress to the State Highway Commission of Arkansas, to construct, maintain, and operate a bridge across the White River, at or near Cotter, Ark.;

H. R. 11625. An act granting the consent of Congress to the State of Montana, Valley County, Mont., and Garfield County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River, at or near Glasgow, Mont.;

H. R. 11764. An act conferring jurisdiction upon the Court of Claims of the United States, or the district courts of the United States, to hear, adjudicate, and enter judgment on the claim of A. Roy Knabenshue, against the United States, for the use or

manufacture of an invention of A. Roy Knabenshue, covered by Letters Patent No. 858875, issued by the Patent Office of the United States, under date of July 2, 1907;

H. R. 12179. An act to provide for the reimbursement of the Government of Great Britain, on account of certain sums expended by the British chaplain in Moscow, the Rev. F. North, for the relief of American nationals in Russia, in 1920; and

H. R. 12320. An act to amend the longshoremen's and harbor workers' compensation act.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3437. An act to provide for the conservation of fish, and for other purposes.

MY RECORD IN CONGRESS

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon my record in Congress, and to insert in connection therewith one brief letter bearing upon that record as a part of my remarks.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD upon the subject of his record in Congress, and to print therewith a letter. Is there objection?

There was no objection.

Mr. BLACK of Texas. Mr. Speaker, I am glad that we live in a republic where the people are the source of power and where public officials must account to them for the way they have discharged the duties of their office. During the time I have been a Member of Congress I have lived in the strictest union, the closest correspondence, the most unreserved communication with my constituents. Their wishes have at all times had great weight with me; their opinions, high respect, and their business has had my unremitting attention. In the performance of this service I am sensible of the fact that I have not been infallible, and doubtless at times have erred in judgment. But conscious that at all times I have discharged my duty with honesty and fidelity, I stand squarely upon my record, and am ready at all times to submit it to the people for their approval or disapproval. Any Member of Congress who has been active and who has taken a definite stand on important measures must expect to be criticized. The only way he could avoid that would be to make his record wholly a negative one and do nothing and be nothing.

I wish to take this opportunity to answer some of the charges which have been brought against me in my district by my opponent, concerning my support of certain measures which have been before the House of Representatives since I have been a Member. Inasmuch as this criticism has been directed against my official record, I feel that it is proper that I should answer it through the CONGRESSIONAL RECORD. The people are entitled to have the fullest publicity concerning the record of their Member of Congress. I am glad to give it to them.

WORLD WAR VETERAN LEGISLATION

It has been charged by my opponent that I was the only Member of Congress who voted against a bill righting a wrong perpetrated against ex-service men. What are the facts?

The bill referred to was to amend the World War adjusted compensation act and was taken up in the House of Representatives on July 1, 1926, and on page 12568 of the CONGRESSIONAL RECORD will be found my statement of objection to the bill. These objections were confined to section 4 of the bill, which section sought to remove the payments to be made by the Veterans' Bureau under the adjusted service compensation act from the audit of the comptroller. I have the highest confidence in the present Director of the Veterans' Bureau, Gen. Frank T. Hines, but I can not forget our experience with former Director Charles R. Forbes, who was sent to Leavenworth Penitentiary for misconducting the Veterans' Bureau. Therefore, when this bill was before the House it was then my opinion—and it is still my opinion—that all expenditures by the Veterans' Bureau should be under the independent audit of the Comptroller General. For that reason it is true that I was the only Member of the House that voted against it. But what of it? The important question is not whether I was the only one voting against the bill in that form, but whether I was right or wrong. Taxpayers have some rights in these matters, and one of these rights is that every dollar of expenditure of public funds of any department of the Federal Government, including the Veterans' Bureau, shall be subjected to the independent audit of the Comptroller General. The ex-service men are just as much interested in having this done as anyone else.

This bill, after it passed the House, was sent to the Senate, and when it got to the Senate the very section 4 to which I objected was amended by striking out the objectionable matter in it. The bill, after passing the Senate with section 4 thus

amended, came back to the House, and the Senate amendment was unanimously accepted by the House, the bill thereby passing in that amended form without a single dissenting vote. These proceedings are found on page 13028 of the CONGRESSIONAL RECORD of July 3, 1926. Therefore, the statement that I voted to make the soldiers pay for a lost rifle, or other equipment lost during the war, is entirely false. There never was any such bill before the House. Was I right in insisting that the provision to which I objected should come out of the bill? Let the Comptroller General of the United States say. He says in a letter to me dated April 17, 1928, as follows:

Had the provision quoted been retained in the law as enacted the accounting officers, in the settlement of the accounts of the disbursing officers of the Veterans' Bureau involving payments under the appropriations referred to, would have been required to allow credit for all payments made upon authorization by the director, regardless of the fact that the payment may have been for a purpose or object not within the scope of the appropriation, or that the amount may have been incorrectly computed, or that the identical item may have been previously paid, or that, through inadvertence or otherwise, the payment was made to the wrong person.

In other words, if the provision had been enacted the accounting officers would have been compelled to confine their examination as to the legality of the payments to a determination as to whether the Director of the Veterans' Bureau had authorized the payment and would have been precluded from making an independent determination as to whether the appropriated moneys had or had not in fact reached the particular veterans, or their widows, dependents, etc., for whose benefit the Congress had provided them, or in the correct amounts, and in the place of a normal accounting procedure—such as prevails generally throughout the Government—there would have been substituted an abnormal accounting procedure, whereby the director would have adjudicated, awarded, and distributed the millions of public money provided by the Congress annually for veterans and their beneficiaries without any independent accounting check on his action.

Therefore I respectfully submit that I deserve credit rather than blame for calling attention to this bad provision of the bill and assisting in having it removed. It is easy enough for a Member of Congress, for fear of incurring criticism, to sit around and let everything go by, good or bad, but if the people are to be protected against bad legislation those who represent them must be constantly on guard to protect their interests. I have tried to do that to the extent of my ability.

MY AMENDMENTS TO THE WAR RISK INSURANCE ACT

Now, let us go a little further back and see who was the friend of the private soldier. When the original war risk insurance act was before the House of Representatives in 1917 it carried provisions which would have paid much greater benefits to a disabled officer than to a disabled private soldier, and would also have carried forward these same discriminations to the dependents of a private soldier. I offered a series of amendments to equalize and make uniform the benefits of this war risk insurance act, and these amendments were adopted by an overwhelming vote in the House and were accepted by the Senate and thereupon became a part of the law of the land. The purpose and effect of these amendments is briefly explained in the following account, which was published at the time by the Survey, one of the leading magazines of the country:

By a vote of 139 to 3 the House wrote into the soldiers' and sailors' insurance bill, before its passage on September 13, the principle of equal care as between the dependents of officers and of private soldiers and sailors. The amendments offered by Representative BLACK of Texas, indorsed in this decisive fashion, provide that the payment to be made to the dependents of soldiers and sailors killed or totally disabled shall be specific rather than based on a percentage of the pay of the dead or disabled man.

Congressman BLACK, with a number of other Members of the House, assailed the committee's plan of compensation, based on the rate of pay of the soldier or officer, as being an attempt to establish class and caste in America "while we are carrying on a war for democracy." Mr. BLACK termed it "Preserving the distinction of rank and pay beyond the borders of the grave."

Representative Alexander, of Missouri, one of the Members who had charge of the bill in the House, gave his entire approval to the Black amendments, when the measure was finally passed. He said:

"It was clearly demonstrated in the debate that the House considered it only fair that there be established complete equality in treatment, as to this compensation on the Government's part, of the dependents of all in the service."

MY RECORD IN SUPPORT OF WORLD WAR VETERAN LEGISLATION

What are the facts with reference to my support of legislation for the benefit of World War veterans? The facts are that I have voted for every important law which has been enacted for the benefit of World War veterans. These include war

risk insurance act of 1917, and the amendments thereto; act providing for vocational training of disabled veterans; act to create Veterans' Bureau and to improve the facilities and service of such bureau by establishing regional officers of the bureau in the several States of the Union; act to enable the Director of the Veterans' Bureau to provide for the construction of additional hospital facilities for persons who served in the World War and the Spanish-American War; act to provide adjusted compensation for veterans of the World War, approved May 17, 1924, and amendments thereto. In fact I do not recall a single important law for the benefit of World War veterans now on the statute books which I have not actually supported and helped to pass.

At the present session of Congress I have voted for the Johnson bill, to liberalize the veterans' act of 1924, and for the Rogers bill, to appropriate \$15,000,000 to provide additional hospital facilities for sick and disabled veterans.

In addition to my support of these measures, I have been glad to assist disabled ex-service men to secure proper consideration of their claims pending with the Veterans' Bureau for hospitalization, compensation, and other benefits under the acts passed by Congress, and will be glad to continue to do so. There is scarcely a community in the first congressional district but where it has been my privilege to render service of that kind. I would make no mention of it now, except for the effort being made by my opponent to create the feeling that I have been hostile to veterans.

FOREIGN DEBT SETTLEMENTS

It has been charged by my opponent that I voted to give France over \$4,000,000,000 and to place the debt upon the backs of the American people.

Here are the facts:

The total amount loaned France	\$2,933,405,070.15
Sale of surplus war materials	407,341,145.01

Total amount of principal owed us by France	3,340,746,215.16
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Under the terms of the French debt settlement, for which I voted, France is to pay us over a period of 62 years \$6,847,674,104.17. This is every cent of the principal and \$3,506,927,889.01 interest. I may say further that this French debt settlement, although ratified by the American House of Representatives by a vote of 236 to 112, has never been ratified by the French Parliament. They claim it is more than they can pay and have thus far refused to ratify it. It is my belief, however, that the terms we have accorded to France are liberal enough, and I shall be against their further modification.

Let me say this further word with reference to these foreign debt settlements: Not a cent of the principal of the debt was canceled. The interest agreed upon with the various debtor nations was such as the United States Debt Commission and Congress believed the debtor nations were able to pay. Since the settlements were agreed upon and ratified by Congress we have collected in principal and interest, up to February 27, 1928, the sum of \$837,590,942.34. And this money has been used in payment on our national debt and thereby lightens the burdens of the American taxpayers. The aggregate amount of principal and interest which will be collected this year on these foreign debts is \$210,000,000; in 1930 these payments will increase to \$217,000,000 annually, and after 1935 the annual payments will be \$300,000,000. The Secretary of the Treasury estimates that our collections on these debt settlements for the next 10 years will aggregate \$2,616,800,000. These payments will not only greatly lighten the burdens of our American taxpayers, but by reason of the fact that most of the money is used in the retirement of Liberty bonds it will greatly reduce the interest rate which our own Government will have to pay on its own obligations and in that way will enable us to refund the remaining Liberty bonds at a very much lower rate of interest than they now bear.

Now, there were three schools of thought in the United States regarding these foreign debt settlements. One group—not a very large one, but rather persistent—wanted to cancel out the debts entirely. Another group wanted every cent of the principal and the full war-time rate of interest which we were paying at the time the loans were made collected. Now that would be all right if it could be done, but it could not be done. In one of Shakespeare's plays one of the characters is made to say: "Why, I can call the dead to life." The other character in the dialogue replies, "Yes; and so can I; but the trouble is they will not answer when I call."

Now the trouble about all this talk about making the foreign nations which owe put the money on the barrel head and pay us immediately in cash is that it can not be done. It takes two parties to make an agreement, and the nations which owed us refused to enter into agreements which, they said, they could

not fulfill. Our American Debt Commission early in the negotiations with the nations which owed us laid down three fundamental principles.

First, that the principal sum of the debt should be paid in full without a cent of cancellation. Second, that annual payments over a term of years should be given, so that the payments could be met. Third, that in determining the rate of interest which should be paid each nation should be considered separately. The capacity of the debtor nation to pay should be determined.

Under these principles the debt settlements were arrived at, and I think this country and the world are very much better off than they would be if the debt settlements had been left unratified and we were collecting nothing and the interest was still piling up on the principal. Suppose enough Congressmen had taken the viewpoint of these critics and had refused to ratify the debt settlements. Our debt on paper would, of course, be still piling up and would look mighty big, but we would not be getting any cash, and the economic recovery of Europe and the world would be immeasurably retarded.

Europe is America's best customer, especially for our cotton. Economic recovery has progressed to the point where it is estimated that Europe has taken close to 15,000,000 bales of American cotton during the past two years. What would have happened to us if these markets had been still in a demoralized condition by reason of the foreign debt settlements still hanging fire? Who would have benefited by it? Certainly not the United States.

MY PROHIBITION RECORD

It has been charged by my opponent that I have not by my votes supported prohibition. Well, I will give my record on that subject and let my constituents judge. Nothing speaks better than the record.

In the first place, I voted to submit the prohibition amendment to the several States for their ratification, and after it had been ratified I voted for the national prohibition act to enforce it. The final vote on the national prohibition act before it was sent to the President for his signature was taken in the House of Representatives on October 10, 1919, and I was present and voted "aye." The bill was then sent to the President, and he vetoed it, and the bill was taken up in the House of Representatives on October 27, 1919, to pass it over the veto of the President. On this vote to pass the national prohibition act over the veto of the President 198 Members of Congress were absent and did not vote at all, but I was one of the 175 Members present who voted "aye." The vote to pass the bill over the veto of the President was 175 to 55. It was upon this vote that the prohibition act became the law of the land, and is still the law of the land.

So if a Member of Congress who voted to submit the prohibition amendment and then voted for the act to enforce it, and then voted to pass it over the veto of the President, has not the record of a prohibitionist, then I do not know what it takes to make that kind of a record.

The late Wayne B. Wheeler, who was for years the leader of the prohibition forces of America, on June 7, 1924, wrote me the following unsolicited letter:

HON. EUGENE BLACK, M. C.,

Washington, D. C.

DEAR MR. BLACK: At the close of another session of Congress I want to thank you for the splendid cooperation and help you have given in maintaining prohibition and its enforcement through national legislation. Our opponents are planning to defeat Congressmen with dry records in the hope that it will prevent their successors from following their example. The people of your district stand for law enforcement, and I feel sure they will not allow you to suffer because of the splendid record you have made.

Yours cordially,

W. B. WHEELER.

Mr. Speaker, I have never previously referred to this letter from Mr. Wheeler for the very simple reason that my prohibition record has never before been attacked by anyone in my district, so far as I know. I only refer to it now to show how utterly absurd and false is the attack which my opponent has made against my prohibition record.

RAILROAD LEGISLATION

I have been attacked for my vote in favor of the transportation act of 1920, and the statement has been made by my opponent that I voted to give the railroads \$1,500,000,000. That, of course, is not true. Here are the facts about the Government operation of railroads:

In December, 1917, President Wilson, under the war power granted him by law, took over the railroads as a measure of national defense. He appointed Mr. McAdoo, then Secretary of the Treasury, Director General of Railroads; and from the

time Mr. McAdoo took charge all the receipts and revenues derived from the operation of railroads were under the control of the Government. Out of these funds were paid the operating expenses of the railroads, such as salaries and wages to employees, cost of fuel and materials, taxes, and other such items of expenses, and the balance, if any, was left on hand to pay the rental agreed upon with the railroads for the use of their property. The question naturally at once arose as to what the annual rental should be. The Government had two methods from which to choose to settle the question. One was to make contracts with the railroads by mutual agreement and the other was to let them go into the United States Court of Claims and prove up their claims.

It must be remembered that under the Constitution of the United States you can not take private property without the payment of compensation, and that rule of law applies whether the Government purchases the property outright or whether it merely takes over its use. Therefore even if one believes that the Government should have seized the railroads and should not have paid them one cent for the use of their property he must remember that under the Constitution and laws of the United States it could not be done. The Constitution and laws require that compensation shall be paid. Therefore, Mr. McAdoo made the proposition to take three years—1914, 1915, and 1916—and get the average return for three years and use that average as a basis for the annual rental of the railroads while under Government control. The railroads accepted that proposition and the contracts were made on that basis. As to whether that basis was fair or not, let Mr. McAdoo himself testify. He said in the hearings before the House committee:

You have heard the arguments of the carriers as to why the proposed rental is too small and you doubtless will hear argument as to why it is too large. Any matter of such complexity might be made the subject of endless debate and there might be a hundred different views each perfectly honest and well informed as to the precise basis that would be the best, but after hearing all that has been suggested from every standpoint since the President's proclamation taking over the railroads, I have remained convinced that the basis proposed is fair and reasonable, and that is what Congress ought to direct their attention to, and that is what the courts would impose if the question were remitted to the courts.

Therefore when Congress voted the money to pay these annual rentals which Mr. McAdoo, as director general, had agreed upon, we were not voting any bonus or gift to the railroads but were voting to fulfill a contractual obligation which even if Congress had repudiated the courts would have enforced.

I do not consider there would be any advantage gained at this late date to enter into discussion as to the wisdom or unwisdom of President Wilson's act in taking over the railroads. I will simply say that at the time they were taken over our allies were being pressed on the battle fields of Europe and it was necessary to speed up war preparations in every possible way and to subordinate all transportation rules and practices to the one supreme end of winning the war. That was done, and it is doubtful if it could have been as well done without the Government being in complete control of the entire transportation facilities of the country.

It is perfectly easy to stand up at this late date and criticize it, but it must be remembered that those charged with responsibility in those stirring times had to take action at a time when action was needed, and President Wilson, as the Commander in Chief of the Army and Navy, took it, and I do not think anyone need apologize for it. If by unifying the transportation system of the country under one responsible head, he speeded up war preparations so as to shorten the period of the war, even for one month, then the lives of our American soldier boys, to say nothing of the lives of our allies, and even of the enemy, which were saved by it were worth every cent that it cost.

Congress voted the necessary money to pay the annual rentals which accrued during the period of Government control just as we voted the money to pay other war expenses. After the war ended President Wilson asked Congress to pass legislation turning the railroads back to their owners and to provide a more unified transportation system for the future. In response to that message, delivered by President Wilson to Congress December 2, 1919, Congress passed the transportation act of 1920, commonly known as the Esch-Cummins law.

Now, I have no desire to evade any responsibility of my own or to shoulder it on anyone else; but if the enactment of the Esch-Cummins law was a betrayal of the people into the hands of Wall Street, as my opponent has said, then that great man, who will go down in history as one of the great Presidents of the United States, Woodrow Wilson, was guilty of the same offense, because he signed and approved the Esch-Cummins law, and it became the law of the land by reason

of his signature. Many other distinguished Democrats voted for it, among them being Senator ROBINSON, of Arkansas, Democratic leader of the Senate; Senators CARTER GLASS, of Virginia; John Sharp Williams, of Mississippi; and THOMAS WALSH, of Montana.

I think no one would accuse Senator WALSH, for example, of being in league with Wall Street and the railroads, and yet Senator WALSH voted for the Esch-Cummins railroad bill just the same as I did. And let me pause here long enough to say that I think that Senator WALSH in exposing the crookedness of Sinclair and Doheny and Fall in the oil scandals has rendered the country one of the most conspicuous acts of public service that has been rendered by anyone for the last quarter of a century. I regard him as one of the ablest and most valuable men in public life to-day.

It has been charged by my opponent that the Esch-Cummins law directed the Interstate Commerce Commission to pay a return of 5½ to 6 per cent on watered and inflated stocks. What are the facts? The Esch-Cummins bill itself does not set any value whatever on the railroads. It directs the Interstate Commerce Commission to find the value of the entire railroad mileage of the United States, and after finding this value to fix rates which under honest, efficient, and economical management will yield a reasonable return, not greater than 6 per cent, upon the value of the property actually used in transportation. If any particular railroad earns more than 6 per cent, then one-half of the excess goes into the hands of the Government. The Interstate Commerce Commission found the aggregate value of the railroads at the time of turning them back to their owners to be \$18,900,000,000. The facts upon which this valuation is based were not ascertained under the Esch-Cummins bill at all but under the La Follette Valuation Act of 1913, an act prepared by the late Senator Robert M. La Follette and which was passed in 1913, before I came to Congress. The valuations which the Interstate Commerce Commission has given to the railroads under the terms of that act may or may not be correct, but it is the best information we have.

It has been a tremendous job to value the more than 250,000 miles of railroads in the United States, together with all the railroad property and equipment, and has taken 15 years to complete. The railroads are now contesting the valuations which have been fixed by the Interstate Commerce Commission, and the test case which has been brought is the celebrated case of the St. Louis & O'Fallon Railway Co. against the United States of America and the Interstate Commerce Commission. This is to be a test case for all the railroads, and on account of the enormous sums involved in its ultimate determination it has been termed the most important law suit ever brought to trial in the United States. The railroads are contending for a much higher valuation on their property than has been fixed by the Interstate Commerce Commission. The case was first tried in the District Court of the United States, Eastern District of Missouri, and I am glad to state that the decision was a complete victory for the United States. The final decisions will, of course, be by the Supreme Court of the United States. The brief of the counsel for the United States in that case has been sent to me by one of the Government's counsel, and I am glad to say that on page 38 of the brief, citation is made of a speech which I delivered in the House of Representatives on February 21, 1920, in support of the Government's contention as to the rule of rate making. Now, while, of course, I feel some satisfaction in the fact that an argument which I made in Congress should be cited by the Government in so important a case as the St. Louis & O'Fallon Railway case, yet I do not make mention of the fact to boast in any way. I simply say this, that if the charges of my opposition are true, that I have been the tool of Wall Street, then the counsel of the Government would hardly be citing an argument which I had made in Congress against the contention of the railroads and in favor of the contention of the United States Government.

GUARANTY TO THE RAILROADS

It is charged that under the Esch-Cummins bill the railroads are now guaranteed a net return of 6 per cent. That is an untrue statement. Not a word of truth in it. They now have no guaranty of any kind of net return under the terms of the bill. All guaranty of net return to railroads expired six months after they were returned to their owners from under Government control. That was nearly eight years ago. This Esch-Cummins law contains, for example, the first stock and bond law ever enacted by the United States Congress for the regulation and control of railroad stocks and bonds. Since the adoption of that act no railroad in the United States can issue any stocks or bonds without coming before the Interstate Commerce Commission and making satisfactory showing that

the money is necessary to go actually into the railroad and be expended under accounting methods prescribed by the Interstate Commerce Commission. It is the most salutary and effective check against watered stock and bonds issued on fictitious valuation ever enacted by the Congress of the United States.

Nothing that could possibly be done would play more into the hands of those who want to issue watered stocks and float bond issues based on fictitious valuation than to vote to repeal this stock-and-bond provision of the Esch-Cummins bill. Now, I have this one more word to say about the railroad question. If the Democrats win the election this fall, in all probability the transportation question will again be taken up for study to see what improvements can be made in the law for the public good. No one will cooperate more readily in such a study than I will. The only interest in the world that I have in the whole transportation question is to safeguard the public interest and give the people the very best transportation service it is possible to give at the lowest possible cost. Upon that platform I am willing to stand and submit my cause to the people for their approval or disapproval.

AGRICULTURE

With reference to agriculture, I have actively supported and helped to pass the following legislation:

First. Farm loan act: When I came to Congress there was no farm loan act. Under the able leadership of President Wilson the farm loan act was enacted, and under its provisions 12 Federal land banks were established. The one for our State is located at Houston, Tex. Up to the present time the land banks in the United States have loaned more than one billion and a half dollars to more than 400,000 farmers in the United States. Our own Federal land bank at Houston, Tex., has loaned \$170,000,000 to 58,000 farmers in Texas and bringing the operations of the land bank closer home it has loaned nearly \$7,000,000 in our own congressional district to nearly 4,000 farmers. The average loan in our district is less than \$2,000, showing that the system is being used by the real home owners. This money has been loaned at a low rate of interest, much lower than that which prevailed when the farm loan act was passed, and has been loaned on long terms of payment.

During the war when the bonds of the Federal farm loan system were unsalable on account of the marketing of so many Liberty bonds, I supported and helped pass a law directing the Secretary of the Treasury to purchase up to \$200,000,000 of the farm-loan bonds in order that the system might continue right along in making loans to the farmers. In compliance with this law the Secretary of the Treasury purchased \$195,000,000 of the bonds and the proceeds were used in making loans to farmers. I am glad to say that the Treasury of the United States did not lose a single dollar on these operations. All of these bonds have now gone into the hands of private investors and the farm loan system is now able to sell its own bonds bearing an interest rate of 4½ per cent, and loan farmers their money at 5 per cent. I take pride in the fact that early in my congressional career I was one of those who actively helped to pass the farm loan act, and as a member of the Committee on Banking and Currency of the House I have been at all times its steadfast friend and supporter. I also helped to frame and pass the intermediate credits act.

Second. Good roads law: Another act which was passed soon after I came to Congress, and which I helped to pass, was the Federal good roads law. I well remember in my first campaign I advocated that the Federal Government should cease spending money for river navigation where there was no navigation and use that money in the building of better highways. I have kept faith with that promise. We passed a Federal highway act which provided for the building of improved highways by the States and Federal Government in cooperation with each other. In that act we provided that the Federal funds should be apportioned to the several States in proportion to their area, population, and mileage of roads. Under that basis of apportionment the State of Texas has received much the largest amount of any State in the Union. Total allotments which have been made to Texas by the United States Government under this good roads act, including fiscal year 1929, is \$49,606,279. This money has been used in aiding the construction of more than 6,000 miles of hard-surfaced highways in Texas.

Third. Farm organization law, under which persons engaged in the production of agricultural products are permitted to act together in associations, corporate or otherwise, for cooperative marketing of their farm products in interstate and foreign commerce.

Fourth. Hoch-Smith resolution, requiring the Interstate Commerce Commission to effect such lawful changes in the freight-rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture, including livestock, at the lowest possible rate. Under this

resolution the commission has made certain reductions in freight rates on farm products and is holding hearings on the applications for freight-rate reductions on other important commodities, such as wheat, cotton, cottonseed, and livestock.

Fifth. Immigration law: Another thing which I advocated in my very first campaign for Congress was restriction of foreign immigration. In fulfillment of these views I voted for the restrictive immigration act of 1917, the restrictive immigration act of 1921, and the act of 1924, known as the Johnson Immigration Act.

The Johnson Immigration Act, which I helped to pass and which is now the law of the land, preserves the basic immigration law of 1917, retains the principle of numerical limitation as inaugurated in the act of 1921, reduces the quota admissible in any one year from 3 per cent to 2 per cent, provides a method of selection of immigrants at the source rather than to permit them to come to this country and land at the immigration stations without previous inspection, provides entire and absolute exclusion of those who are not eligible to become naturalized citizens under our naturalization laws.

CONCLUSION

I am one who believes implicitly that the judgment of the people can be relied upon if they get the facts straight. In making these statements about my record in Congress I have tried to state the facts exactly as they are.

I leave the verdict to the people of my district.

COORDINATION OF PUBLIC HEALTH ACTIVITIES

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11026) to provide for the coordination of the public-health activities, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill (H. R. 11026), with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GARNER of Texas. Reserving the right to object, will the gentleman state whether this is agreeable to the ranking minority member of the committee?

Mr. PARKER. It is. This is the public health bill. What I am doing is done at the request of the committee.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. PARKER, Mr. MAPES, and Mr. LEA.

EHRENFRIED GUNTHER VON HUENEFELD, JAMES C. FITZMAURICE, AND HERMANN KOEHL

Mr. JAMES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13331) to authorize the President to present the distinguished-flying cross to Ehrenfried Gunther von Huenefeld, James C. FitzMaurice, and Hermann Koehl, which I send to the desk and ask to have read.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to present the distinguished-flying cross to Ehrenfried Gunther von Huenefeld, James C. FitzMaurice, and Hermann Koehl, in recognition of their extraordinary achievement in making the first nonstop westward trans-Atlantic flight by airplane from Europe to North America.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INTERNATIONAL CONVENTION FOR PROTECTION OF LITERARY WORK

Mr. VESTAL. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 286, to provide for the expenses of participation by the United States in the International Conference for the Purpose of Revising the International Convention for the Protection of Literary and Artistic Works, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of House Joint Resolution 286, which the Clerk will report by title.

The Clerk reported the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,500 for the expenses of a delegate to represent the United States at the International Conference for the Purpose of Revising the International Convention for the Protection of Literary and Artistic Works, to be held in Rome, Italy, on May 8, 1928; including transportation, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any other act), and such miscellaneous and other expenses as the President shall deem proper.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ACCEPTANCE OF STATUE OF ANDREW JACKSON

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the several addresses made upon the occasion of the presentation of the statue of Andrew Jackson in Statuary Hall on Sunday, April 15, 1928, and other matter pertinent to the exercises then had, including the biographical sketch prepared by Hon. John Trotwood Moore, State librarian and archivist of Tennessee, which was published in the official program.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by printing the account of the exercises recently held in respect to placing of the statue of Andrew Jackson in Statuary Hall. Is there objection?

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, does not the gentleman think it would be well to have those addresses printed as a House document also?

Mr. GARRETT of Tennessee. Of course, the gentleman understands that later there will be issued, in accordance with custom, a very handsome bound volume. I should be happy, however, to have it printed as a House document now if it can be done under the printing law.

Mr. CHINDBLOM. Those volumes will not be available to the Members?

Mr. GARRETT of Tennessee. Not for quite a while.

Mr. CHINDBLOM. By citizens who are interested in the matter?

Mr. GARRETT of Tennessee. I should like to add to my remarks the statement that I have not conferred with the Committee on Printing about the matter of having it printed as a document, and I think there is a statute or rule about that.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. TILSON. The printing of this kind of matter in the CONGRESSIONAL RECORD is quite unsatisfactory. The gentleman knows that when it appears in the required small 6-point type it is difficult to read. It seems to me that this being of considerable importance, it might be printed as a House document or in some other way rather than simply in small type in the RECORD. It is not a satisfactory way to print it.

Mr. GARRETT of Tennessee. It is not completely satisfactory, but this is a way of preserving it for the printing of the volume which eventually will be issued. For instance, in the case of one or two of the addresses there is only one copy outstanding. I have those, and I would like to have them printed in the RECORD.

Mr. TILSON. I have no objection to its being printed in the RECORD.

Mr. LOWREY. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LOWREY. When the statue of Doctor Curry was unveiled we had a very elaborate bound edition of the exercises had on that occasion distributed through the Members, giving us about five copies each. I am hoping that when this volume is published it will be in larger numbers that will give us more copies than that, and I hope it may be published at an early date. I hope the gentleman will press that to publication as soon as possible in larger number.

The SPEAKER. The gentleman from Tennessee asks that the addresses delivered at the exercises referred to and other matter pertinent thereto shall be printed in the CONGRESSIONAL RECORD. Is there objection?

There was no objection.

The matter referred to is here printed in full as follows:

BIOGRAPHICAL SKETCH

By John Trotwood Moore

Andrew Jackson, seventh President of the United States: Born in Waxhaw settlement, in what was then Mecklenburg, but now Union County, N. C., March 15, 1767.

His father, by the same name, with his wife, Elizabeth Hutchinson, and two small boys, Hugh and Robert, had immigrated to America two years before and settled on Twelve Mile Creek in the Waxhaw settlement of North Carolina. He entered a small tract of inferior land on which he made only a small first payment, built for his family a log cabin, but succumbed to pneumonia and overwork two weeks before his son was born.

Her support gone, almost penniless, with two small boys and expecting daily the birth of a third child, Betty Jackson, cheerful, energetic, and of indomitable courage, put her boys and the few belongings she had in a single wagon and started to the home of her sister, Jane Hutchinson Crawford, 12 miles away near the old Waxhaw Church in South Carolina for a temporary home for herself and her boys. Taken ill before reaching her destination, she stopped at the log cabin of another sister, Peggy Hutchinson McKemey, just over on the North Carolina side, where Andrew Jackson was born on the night of March 15, 1767.

A log cabin, but the great hand of destiny had studded the sky of his horoscope above the cradle in that cabin with stars of immortality which later fell in showers around him to lighten the long hard road of his journey. He grew up at his Uncle Crawford's home, went to Old Field Schools, and helped his mother work on the farm until 13, when partisan war broke in all its cruelty and fury on the settlement. He saw his eldest brother, Hugh, 17, killed fighting for his country at Stono. Entered with his brother Robert, saw Tarleton surprise and murder 113 of his neighbors and wound 150 more at the old Waxhaw Church, helped his mother nurse them, shouldered his musket at 14 years of age, and fought the invaders of his country at Hanging Rock; was captured with his brother Robert, ordered by a bullying, brow-beating Hessian to black his boots, refused and defied him, when both boys were struck down with the Hessian's saber, Robert dying of the cut on his head and the smallpox; Andrew, with the same disease, nursed back to life by his mother, who in turn died of it and was buried in an unknown grave near Charleston, S. C.

When Andrew Jackson, major general of the United States Army, 34 years afterwards, stood on his impregnable breastworks below New Orleans, with his deadly Tennessee and Kentucky riflemen four lines deep behind it, and saw the flower of Britain's Napoleon conquerors coming so gamely but surely on into the trap of annihilation his military genius had set for them, he turned to an officer behind him, and these words came from his grim set lips this verdict of his Scotch-Irish Calvinism: "And now we'll give them a taste of Waxhaw!"

After the war he taught school, studied law under Hon. Spruce McKay in Salisbury, N. C., and when 21 years old followed the covered-wagon trail across the mountains into the western country of North Carolina, now the State of Tennessee, landing in Nashville in the fall of 1788. Here by his integrity, shrewdness, common sense, fearless courage, and resolute iron will in 10 years he attained every office he asked for at the hands of the people: First Representative in Congress from Tennessee, 1796; Senator, 1797; judge of the Superior Court of Law and Equity, 1798; once again Senator, he voluntarily resigned as soon as he thought he had finished the work. He resigned more offices than were ever held by any citizen of the Republic.

As major general of Tennessee Militia (1802-1814), he turned the disastrous tide that had brought humiliation and defeat to America in the year 1813 by destroying the powerful Creek Nation of Indians, on whom the British relied to help them hold the southern coast, and made possible the treaty of Ghent. But even before it was signed (December 24, 1814) he stopped the British General Keane's army of 3,000 seasoned soldiers—Napoleon war fighters—and drove them back in a night attack on an open plain with less than half Keane's force in a fight that has no parallel in history. Two weeks later he entirely routed and destroyed a veteran British army of twice his own force, led by Gen. Sir Edward M. Pakenham, their ablest general save Wellington, and drove them and their navy of 50 battleships, the same that had helped destroy and burn Washington four months before, into the sea. This battle, though won two weeks after the treaty, has in the light of more recent history proved to be the most brilliant and far-reaching in our own history. It has made over a century of peace between the English-speaking peoples, showing the folly of two great peoples with the same ideals, religion, and language fighting each other, and it assured us the integrity and possession of the Louisiana Purchase, comprising 14 of our great States.

Elected President in 1828 after the bitterest and most merciless campaign of slander and hate ever waged against any candidate for that high office—the first President of the plain people of America to enter the White House—he retired after eight years of strenuous work, but left to the people a heritage which is to-day the fixed tenets of the faith of the Republic; no autocracy of wealth; no dissolution of the Union; no privileges of power at the expense of the weak, and that established soundness in banks and money that has made it possible for the Federal reserve of to-day.

In history he has been persistently misrepresented by the ignorant or malicious as uncouth and unlettered, rough, and ungente. The reverse is the truth; his letters and papers are beyond criticism, with the fire of purpose in them. In character he was courteous, gentle,

romantic, tender, and deeply religious, but unflinchingly stern, when duty called.

He was the first gentleman of his rough day—his blood lines on both sides running to the old Kings of Scotland. Thomas Jefferson said he had the finest manners of any Senator in the old Philadelphia Congress of 1797. His love affair with Rachel Donelson is the greatest, tenderest, and most devoted in all history. He was the knight errant of every woman who knew him and both the Caesar and the Sir Galahad of every man who called him friend. No other man in American history so completely and thoroughly accomplished every thing of any kind he ever attempted. In spite of his long life of stern devotion to principle and duty, Thomas Benton says he found him in his old age with a child on one knee and a pet lamb on the other, and when he died at sunset on a beautiful Sabbath, June 9, 1845, his last words were to console his weeping servants around him with the positive assurance that they would meet him in heaven. And so, in the fullness of life and of every honor his people could bestow upon him, at the age of 78, childlike and lamblike, his great spirit went to his Maker.

ADDRESS OF MRS. FLORA MYERS GILLENTE, PRESIDING OFFICER, PAST STATE REGENT, TENNESSEE DAUGHTERS OF THE AMERICAN REVOLUTION, PAST VICE PRESIDENT GENERAL, DAUGHTERS OF THE AMERICAN REVOLUTION

Man's test is memory's treasured store;
What past, he holds for conning o'er.

Memory is a vital rung in the ladder on which man has climbed above the level of the beast. Through it the inspiration and experience, not only of his own past, but of that of the race, is at his daily service.

Official recognition of the constant need of a reminder resulted in the congressional act of 1864, by which—

"The President is authorized to invite all the States to provide and furnish statutes in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civic or military services * * *. The same shall be placed in the old Hall of the House of Representatives * * * which is set apart, or so much thereof as may be necessary, as a national Statuary Hall for the purpose herein indicated."

In response to this invitation, Tennessee is proud now to place in the Nation's Capitol this statue, cast in bronze, mounted on Tennessee marble, of her most dynamic and colorful son, Andrew Jackson, confident that not even her gleaming marble can prove more enduring than the potent influence of his personality and example, more pure than the spotless honesty of his character, more unyielding than his iron will when enlisted in the popular service. Our trail to this shrine was not dim. It was worn deep by his tread in the flesh responding to the call to national service. No less than five times did he tread it in response to popular call—each time to the Nation's good. In 1797, as Senator, he set an example worthy of observance in that body even to the present day—saying little, but thoughtfully pondering his problem. In 1829 he came, a militant crusader to crush an insidious monopoly and insist that the Nation's spyglass embrace in its sweep the western horizon as well as the eastern seascape.

But Jackson's services were not all in Washington. My embarrassment in pointing his claims to a people's grateful remembrance lies in their very abundance. Tennessee's "marvel militia" and its supreme court both bore his stamp. Its constitution echoed his voice. He was the original "Florida booster," and soon held the whole territory on an option for the Nation. Napoleon-conquering veterans crumbled before his cotton-bale barricade. Even a Horseshoe Bend afforded Indians no talismanic defense against his luck, plus his pluck.

From another point of view he merits immortality. In many respects Andrew Jackson was the first real American, a typical frontier product. He was the first President to be called from the heart of the Nation—the first to discover a trail back eastward across the mountains to the White House; he was the first Chief Executive to sponsor unreservedly the direct and universal rule of the whole people; the first to make of the presidential office a commanding, directing agency in the accomplishment of programs approved by the popular will in regular elections. He was the first of the sturdy, self-taught "personages of the ranks" to be called to the exalted office of the presidency.

For such exalted position perhaps none have ever entered upon its duties with less of scholastic preparation; perhaps none have ever equaled him in the extent and value of accomplishment. His was a genius for effective service ranging over many fields. The baton of the marshal, the bench of the judge, the commission of the territorial governor, the floor of Congress, the chair of the Chief Executive, all found in him a dominating, original, and conspicuously successful master.

It is eminently fitting that this presentation be made in the year 1928, the hundredth anniversary of the Nation's call to Jackson to take the helm of Government. To-day there is unusual need that that same Nation recall for its guidance his spirit, his zeal, his political faith. The continuance of that thorough-going, universal democracy

which he did so much to establish is being widely questioned. While plutocracy plucks at power with its questionable millions shall democracy be thus openly bought in this slave's market? In such a day well may a grateful people point to the prophet-statesman, Andrew Jackson, and borrowing the old slogan declare in his stirring voice; "Let the people rule." To such a dedication are we called; to a dedication as complete, to a zeal as tireless, to a loyalty as unswerving, to a fearlessness as militant, and to a patriotism as dynamic.

PRAYER BY REV. NEWTON P. PATTERSON, D. D., PASTOR OF THE FIRST PRESBYTERIAN CHURCH, WHERE GENERAL JACKSON WAS A REGULAR WORSHIPER AND FELLOW HOLDER FOR EIGHT YEARS

Almighty God, our heavenly Father, we are met together in Statuary Hall in our National Capitol for the purpose of honoring the name and memory of the seventh President of these United States of America—Gen. Andrew Jackson. We turn our hearts and minds to Thee in humble recognition of Thy sovereignty. We acknowledge Thee as the God and Father of us all.

We invoke Thy blessings upon us as we gather together here in this fellowship. In this fellowship may we realize health, holiness, and happiness. We recognize Thee and pray that in Thy love we may have life, hope, and peace. Purify our thoughts with the breath of Thy presence, that the deepest yearning of our being may be ennobled by the power of our faith and exalted by the sanctity of reason into the majesty of prayer. Free us from the narrow, lonely lives we live into a larger, freer, more abundant life—a holy communion of mortals in the immortal realm.

O Spirit of Holiness, kindle in us a flame of pure aspiration to consume all grosser passions. Hold before us constantly the brilliancy of that life which actuated the noble Jackson of the earlier centuries. Let the light of Thy countenance shine upon our way, and, if it may be, make us reflectors of that same light to shine upon the pathway of others who may follow after us.

In the midst of hurrying days and the very shifting human scenes teach us how to live in the sanctuary of the eternal and in good and wholesome fellowship with each other and even with all mankind. Let not the glitter and hardness of a complex civilization blind us to the fact that we are citizens of the larger units—municipalities, States, or even the Nation—but are citizens of a world-wide brotherhood. Fill our minds with wisdom, fill our hearts with tenderness, and our hands with humble and useful service. Take all reluctance out of our obedience and all bitterness out of our endurance, and let Thy laws become songs in the house of our pilgrimage. Unite us with all lovers of goodness and give us courage and faithfulness to follow the ways of Thy teachings in spirit and in truth.

To Thy loving-kindness we offer our prayer in the name of Him who walked the road of the great loving heart, even Jesus Christ, our Lord and Master. Amen.

PRESENTATION OF STATUE BY GOV. HENRY H. HORTON

Mr. President, in behalf of the people of the State of Tennessee I present to you, as Chief Executive of the Nation, for its Hall of Fame, this statue of a great President, a great statesman, and a great soldier, but, greater still, this statue of a man.

ADDRESS OF PRESIDENT COOLIDGE

Fellow countrymen, one of the great sources of the strength of our country has been the pioneering spirit. It was characteristic of those who first settled on our shores and was the cause of a resistless march to the Pacific Ocean. Our people have ever been going forth into the forest and over the plain to establish themselves in the region of the unknown. They have sought for new fields to conquer. They have been pioneers, however, not only in the physical world but in the realm of ideas. In science and invention, and especially in the art of government and of social relations, they have taken a dominant part. The frontier has long since disappeared, the opportunity for exploration into unfrequented lands is gone, we seek no additional territory, but the ambition to enter uncharted regions of industry, of enterprise, of social relations, and of thought continues with increasing fervor.

We would miss much of the significance and meaning of the history of the United States unless we took into account this outstanding quality. Our whole outlook has been greatly influenced by it. It is the complete antithesis of all systems of class and caste. Under some theories of human society, theories which have been of value in their time in effecting the organization of a people and bringing them into that condition of order which is the necessary preliminary of enlightened progress, all persons were born to a certain station and oftentimes to a certain locality, which they were supposed to hold during their lifetime. They found that not only their place in life, but also their thought, had been previously ordained for them. It was for the purpose of escaping from this doctrine that this Nation came into existence. The people who came here were seeking freedom of action and freedom of mind. The great revelation of our country has been that men are not born to servitude and obscurity. They are born

to all the possibilities of a glorious station which can be won by their own achieving.

This is our national epic, exemplified in the lives of those whom we are most desirous to honor. It is the story of small beginnings which have developed into great concerns. It is the life of men born amid the surroundings of great hardship and great privations, who, through their own exertions and the confidence which their character has inspired in their fellow men, have risen to positions of influence and importance in private affairs and public office. It is a record of untiring effort, undaunted courage, and persevering will, all of which have set an inextinguishable mark upon the history of our country.

One of the outstanding figures which so well represents this development of our national life is Andrew Jackson, the seventh President of the United States. He was born in such obscurity in 1767 that two States have claimed his birthplace, though he himself stated that it was South Carolina. Only two years previously his parents had come from County Antrim, Ireland. A few days before his birth his father died. When he was only 14 his mother passed away, leaving her son entirely alone and without property. She was a Scotch Presbyterian of marked piety and cherished the hope that her boy would become a minister. We can catch but a fleeting glance of her as she passes off the stage of existence, but it is sufficient to win our admiration and create a desire for a better acquaintance. Her memory must have been an inspiration to the great man she bore.

The young man had some common-school education, sufficient for the transaction of ordinary business affairs, but while he was constantly seeking for practical information he never came to care for learning for its own sake. Thrown on his own resources as he was, he grew up proud and high tempered, oftentimes violent in his disposition, and considerably interested in the sports of the countryside. He soon started to study law and began its practice when he was scarcely 21. In 1788 he established himself on the soil of Tennessee, where he was destined to become her most renowned citizen. The next year he was solicitor of one of the districts and the year following United States attorney. In 1796 he was chosen the first Member of Congress from the new State. He showed that he held opinions of his own by opposing a resolution in the House commending President Washington on his last annual address. At the age of 30 he was elected to the United States Senate, but resigned at the end of the first session, and the following year became a justice of the Tennessee Supreme Court, where he served six years and resigned. It was during this interval that he became a major general of militia. While he had held many public offices, he had likewise resigned from many. In 1804 he sought appointment as Governor of New Orleans, and apparently never forgave President Jefferson for refusing his request.

From this date until he was given a command in the War of 1812 he spent considerable time tilling the soil, in which he was moderately successful. His high temper brought him into some quarrels. The society of that day was in the flux, customs were in the making, men were obliged to rely somewhat on themselves for the defense of what they believed to be their rights.

Placed in command of 2,500 volunteers, in 1813 he marched toward New Orleans. When he had reached Natchez, Miss., he was directed to disband his forces. Because this would leave them stranded, he had the order modified and marched back to Tennessee. The hardships which he endured on this march won for him the title of Old Hickory. An uprising of the Creek Indians in Mississippi and Alabama caused him to be sent into that district, where he forced them to terms of peace. It was during 1814 that he became a full major general in the Regular Army, in command of the Department of the South. From that time on he became a national figure. In the late fall he invaded Florida, then a Spanish Province, it was claimed without orders, and captured Pensacola on the ground that it was a base used by English troops. Going from there to New Orleans, he began the defense of that city. He was attacked by the British and defeated them in the famous battle of the 8th of January, 1815.

Though a treaty of peace had been signed at Ghent on the 24th of December, news of it did not reach New Orleans until February 19, and official notice not until March 13. This impetuous warrior took a personal satisfaction in a victory over some of the troops who had humbled Napoleon, especially because of a scar from a British saber, which he had received in childhood during the Revolutionary War. This brilliant achievement did much to redeem other reverses which our forces had suffered on land. It revealed the remarkable fighting qualities of the hardy frontier riflemen when they were properly led, as the almost unbroken line of victories on the water had demonstrated the remarkable capacity of our sailors. General Jackson had now become undoubtedly the foremost military hero of his country.

His turbulent temper still followed him. New Orleans being under martial law, he was soon engaged in altercations with the civil authorities. He did not hesitate to arrest judges and the United States attorney when they interfered with his orders. A curious sequence followed. When civil authority was resumed he submitted to a fine of \$1,000 for contempt of court. "I have during the invasion," he said, "exerted every one of my facilities for the defense and preservation of the Constitution and the laws. * * * Considering obedience to the laws,

even when we think them unjustly applied, is the first duty of the citizen. * * * I entreat you to remember the example I have given you of respectful submission to the administration of justice." Nearly 30 years later the Congress remitted the fine with interest.

This was a most significant statement. It might well have been pondered by those who were undertaking to argue away the Constitution after General Jackson became President. Here was a man who stood ready to fight a duel, if he thought the circumstances required it, of an impetuous nature and impatient of all restraint, yet clearly announcing the supremacy of law. More than that, he was acting upon that principle. When the city was under martial law he required that his orders should be obeyed, as he clearly had a right to do. When it was under civil law, he cheerfully submitted to a judgment of the court which he thought unjust. He believed that at all times and in all places the duly constituted authority of law should be supreme.

During the next few years he was engaged in the Indian wars. He again invaded Florida. If he had any order for this, it was not authentic. St. Marks and Pensacola, which he had captured, were restored, and the general's course was defended on the theory that he was pursuing an enemy. After the purchase of Florida was ratified in 1821, Jackson became its first governor. The Army being reduced, he was discharged as a major general. He remained in Florida long enough to come into conflict with the former Spanish governor and the judge, after which he resigned and returned to his home. Notwithstanding the many animosities that he had aroused, he remained an outstanding, popular figure.

Already, he was being considered for the Presidency. He was again sent to the United States Senate in 1823, where he voted for increased tariff rates and certain internal improvements. He was in the presidential race in the national campaign in 1824, receiving 99 electoral votes against 84 for Adams, 41 for Crawford, and 37 for Clay. This threw the election into the House of Representatives, where John Quincy Adams secured the votes of 13 States against 7 for Jackson and 4 for Crawford. The support of Clay went to Adams on the theory that a civilian was preferable to a military man. The appointment of Clay as Secretary of State was, therefore, severely criticized by the followers of General Jackson. Following his past custom he resigned from the Senate in 1825.

In the campaign of 1828 General Jackson achieved a remarkable victory, securing 178 electoral votes, while John Quincy Adams received but 83. The popular vote was 648,000 against 508,000. John C. Calhoun was reelected Vice President. He undoubtedly expected to succeed President Jackson, who had been an advocate of one term, and the Vice President had several of his friends in the Cabinet. Except for the Secretary of State, Martin Van Buren, and Secretary of War, the President was little influenced by his Cabinet. He often sought the advice of other men on questions of policy. He was regarded as a President of the people, and in seeking to remove their burdens and improve their condition he favored economy and payment of the public debt. When this should be done, he favored dividing the surplus revenues among the States. He also criticized the United States Bank and advised taking up the question of extending its charter, which was not to expire until 1836. During 1830 he broke with Calhoun, which necessitated a reorganization of the Cabinet. He vetoed the bill to assist in constructing a highway in Kentucky, on the old principle that widespread internal improvements were unconstitutional.

The President was soon engaged in his great contest to prevent the recharter of the United States Bank. A great amount of bitterness prevailed and there was a broad appeal to class prejudice. Those supporting the bank were charged with representing an aristocratic tendency in society intent upon creating an overmastering money power. Those who opposed it contended that they were defending the rights of the people and resisting the encroachment of monopoly. At the same time they questioned the constitutional power of the Congress to establish a bank. The bill, however, was passed late in the spring of 1832, just as the presidential campaign was beginning, and was promptly vetoed by the President in a message of great force and character.

The popularity of his administration was demonstrated at the election, where he received 219 electoral votes against 67 for all others. Students of his career have thought that he considered this a complete approval of his entire public life and a complete disapproval of all those who had ever differed with him on any subject. But with the work he had before him, it was fortunate that he had secured such a popular indorsement and was well endowed with self-confidence, backed by an iron will.

South Carolina had been very much opposed to the duties imposed by the tariff law. On November 24, 1832, that State passed its famous nullification ordinance, which undertook to set aside the tariff within its territory. This policy had been discussed in the Senate in the famous debate between Webster and Hayne in January, 1830. At a Jefferson Day dinner, the following April, President Jackson had proposed the toast: "Our Federal Union—it must be preserved." At the same time Calhoun had argued that liberty was of more importance

than the Union. Without reference to his former views on the tariff or State rights, when this ordinance was passed President Jackson declared: "The duty of the Executive is a plain one. The laws will be executed and the Union preserved by all the constitutional and legal means he is invested with."

He soon followed this with a proclamation denying the right of secession, refuting the power of a State to set aside an act of Congress, and asserting the supremacy of the Federal Constitution. This proclamation has been regarded as one of the best state papers of any American President. It was thoroughly nationalist in spirit and had a profound effect. While the President was seeking authority to enforce the tariff laws Clay secured the passage of a compromise tariff measure, whereat South Carolina repealed the ordinance. A service of this nature, rather at variance with some of the positions he had formerly taken and some of the policies strongly supported in his own party, could only have been performed by a great man.

His fight on the bank was not yet ended. His next move was an attempt to withdraw the public deposits. Two Secretaries of the Treasury refused to take this action; and being displaced in turn, Taney became Secretary of the Treasury long enough to transfer the Government funds to State banks. The elections of 1834 returned a majority favorable to the Jackson policies, so the bank charter expired in 1836. Of course a violent change of this nature, affecting the financial policies of the Nation, was bound to have an economic effect throughout the country. Government funds in local banks were used for speculation, which, as usual, brought the reaction of depression. Opinions have differed concerning the United States Bank, but no one doubts the great courage of President Jackson in opposing it or the public approbation he received in support of his policy. A great financial contest of such a nature was bound to have some depressing effect upon values all over the Nation. But the President had won so completely that two resolutions of criticism for removing the deposits, passed by the Senate in 1834, were expunged from the Journal on January 16, 1837.

For his successor he dictated the nomination of Van Buren and saw him elected by a good margin. He had already made Van Buren Vice President to retaliate upon Calhoun, who had cast the deciding vote refusing to confirm him as minister to England.

The latter months of the administration saw reflected in the country the need of a better currency and banking system, but the national debt had been all paid off and the revenues were so large that provision was made for their distribution among the States in return for negotiable certificates of deposit. This policy was questioned by the President in his message of 1836 and did not prove to be salutary.

On the 7th of March, 1837, he set out for his old home, the Hermitage. He had triumphed over opponents who were considered then, and rank now, among the great statesmen of his day. Calhoun had gone down on nullification. The great figure of Daniel Webster had stood with the President on that issue but had opposed his banking policies. Clay had compromised and lost. In his travels about the country it was evident that he was idolized by the people. He never failed to support what he believed to be their interests. As the first Congressman from Tennessee he set a high standard in the Federal service which that State has never failed to maintain. If at times he was high tempered and overbearing, there is no fairer story of chivalrous devotion and affectionate consideration than that which he lavished upon his wife. In her benign presence he was all submission.

History accords him one of the high positions among the great names of our country. He gave to the nationalist spirit through loyalty to the Union a new strength which was decisive for many years. His management of our foreign affairs was such as to secure a wholesome respect for our Government and the rights of its citizens. He left the Treasury without obligations and with a surplus. Coming up from the people, he demonstrated that there is sufficient substance in self-government to solve important public questions and rise superior to a perplexing crisis. Like a true pioneer, he broke through all the restraints and impediments into which he was born, and leaving behind the provincialisms and prejudices of his day, pushed out toward a larger freedom and a sounder Government, carrying the country with him.

In recognition of the great qualities of her most illustrious son, the State of Tennessee has presented his statue to the National Government. In gratitude for the preeminent service which he rendered, I, as President of the United States, accept it, to stand here in the Hall of Fame so long as this Capitol shall endure.

ADDRESS BY GOV. HENRY H. HORTON

Mr. President, gentlemen of the Senate and House of Representatives, Daughters of the American Revolution, ladies, and gentlemen, as chief executive of the Commonwealth which has given to the Nation the seventh, the eleventh, and the seventeenth Presidents of the United States, there devolves upon me the pleasing duty of presenting to his country's Hall of Fame the statue of Andrew Jackson, the first of Tennessee's sons to wear this wreath of memory and immortality. This privilege, indeed, is mine, but the authority comes from the people of the State of Tennessee, unanimously voiced by the sixty-fifth session of the legislature of the State and embodied in its public acts. Their generous appropriation made possible this statue of her great son to rest on this

its pedestal of achievement and in the Capitol of the Nation, where as Chief Executive for eight years he earned his greatest fame. It is fitting and appropriate that he should stand here, companionate with many of his colleagues and collaborators, who, while they lived, faltered not with him in sacrifices and service and now in death share with him the veneration and love of their countrymen. He stands indeed among his friends. What heroic souls of granite and bronze welcome him into their marbled Valhalla.

Washington, colossal in that integrity and simplicity, which alone is greatness, was first to recognize in the courage and steadfastness of the young practitioner before the wilderness courts, the coming usefulness of the man and signed his commission as prosecuting attorney in the extreme frontier district of Miro, in western North Carolina—now Nashville and middle Tennessee. Webster, from the granite hills of his native New Hampshire—greatest of the New World's orators, the Demosthenes of democracy, the fire of whose logic and eloquence was the artillery that hurled Jackson's solid shots from the White House against the foregatherers of disunion: "Liberty and union, now and forever, one and inseparable."

Benton, the great Senator whom Tennessee gave to Missouri, the youngest and most beloved of Jackson's trusted lieutenants who led his Tennesseans down the old Natchez Trace to avenge Frenchtown and the River Basin—the Old Bullion of Democracy, the author of the expunging resolution that wiped from the records the false accusations of his old chief's enemies. Francis P. Blair, from the same State, Jackson's greatest editor and adviser, and William Allen, of Ohio, and Lewis Cass; and here, in graceful hunting shirt of the frontiersman, the leggings of the Indian, and the bowie blade of the Texan, stands Sam Houston, 100 years ago to-day Tennessee's popular young governor. As a youth of 20 it was he who led Jackson's Tennesseans to victory over the Creek barricade of death with a barbed arrow in his groin and two bullets that shattered his breast, ending the war that made famous his chief. From President of the Republic of Texas he rode horseback a thousand miles to close his old chief's dying eyes. What a galaxy of ghostly greatness surrounds us!

Here, in this Hall, Madison was twice inaugurated President of the United States—in 1809 and 1813. Monroe, for his second term, in 1821, and Millard Fillmore on the 10th day of July, 1850. Here Clay presided as Speaker, Webster thundered, John Quincy Adams died, and Abraham Lincoln began to live. Like the angel aerial of fiery light they have passed into the twilight in flames of glory that have kindled to white heat the souls of men. Indeed, Jackson stands among his peers.

It is not my purpose in this brief time assigned me to dwell on the life and character of Andrew Jackson. This has been reserved for others who will follow and complete these exercises. But permit me to picture him as we of Tennessee love most to remember him: Not on the field of battle; conqueror of the Creeks and winner of the most brilliant and far-reaching victory ever fought on American soil; not as a justice of our supreme court, nor as Congressman, Senator, or even as Chief Executive of a Nation—the first to turn Jefferson's great vision of democracy into a reality—but we would speak of him as the kindly neighbor, the devoted friend, thoughtful of others, given to charity, as approachable as a county squire and as generous as the prince that he was—the country gentleman of the Hermitage. We would tell of him as the best farmer of Davidson County, with the best-tilled land and the cleanest fence corners, the most noted breeder of Black Poll cattle and black-faced sheep, the greatest breeder and patron of blooded horses, who took no man's dust nor distance and carried him over the long wilderness road with the same tireless gameness that filled his own great soul. We would tell of how he built neighborhood schools and churches chiefly with his own funds and the help of his neighbors.

The little brick Presbyterian church he built for his beloved Rachel still stands a shrine at the Hermitage. From his own abundant crops his teams put corn in the cribs of the destitute and bacon in their larders. He had that rugged gift of honesty that made men believe in him—made the world believe in him. We would illustrate this by his personal credit, which was so strong that his name on the notes of a bank in far-away Philadelphia or New York sold at a premium. We might show you in the archives of our State a canceled warrant where in the emergency of the crisis of the defense of New Orleans he borrowed \$25,000 on his own note after they had turned down the draft of the Secretary of War. We might show you his canceled check for \$1,000, his fine paid to the civil courts of New Orleans for the astounding contempt of saving their city from capture. How he pledged his credit to borrow \$300,000 from the treasury of Tennessee to fight the Creek War and Battle of New Orleans, ending in a blaze of glory for American arms in the war which, until he came upon the field, had only brought us humiliation and defeat. We might show how he voluntarily gave up his first home in Tennessee—Hunter's Hill—and in all 30,000 acres of land to pay an indorsement debt and moved further into the wilderness to live in a log cabin he called the Hermitage, even after his fame had encompassed the world. That log cabin to-day is a shrine; and though dead for over three-quarters of a century, Andrew Jackson is to-day the most influential, the most personal, the greatest inspiration, and the most alive citizen of the State.

ADDRESS OF MRS. ARTHUR S. BUCHANAN, STATE REGENT, DAUGHTERS OF THE AMERICAN REVOLUTION

I feel that it is a great privilege on this epochal occasion for Tennesseans to pay a brief tribute from the Tennessee Society of the Daughters of the American Revolution to our hero-statesman, President Andrew Jackson.

It has been a great privilege to hear our honored governor present this statue to the Nation, and a great pleasure to hear the President of the United States accept it with such gracious words of appreciation.

It is good to see President Jackson standing here; too long has he been absent from this galaxy of heroes, and I believe there is no man in this great company who served his time and his country more ably and conscientiously than did he.

We are used to breeding heroes in Tennessee; our stalwart, storm-tossed, virile State has ever had a place in the national picture "near the flashing of the guns." It was a fitting background for this bold, dynamic figure.

Jackson's was always a name to conjure with. His soldiers worshipped him, and they do say that amid the mist-clad hills of Tennessee you may still catch the echo of his bugle calling his volunteers to arms.

We wonder as we see him standing here—his old friends and foes grouped about him—if he is dreaming backward over that long life of his, so packed with incident, adventure, and achievement, that it might be called the great American epic. Is he thinking of the bitter hardships of his childhood, lighted only with his mother's love and the blaze of his boyish courage, or dreaming of his hardy youth when he helped to build a great Commonwealth? Does he recall the sanguined fields of his Indian warfare? Does he remember New Orleans, where he went flaming from his Tennessee mountains to defend with his untrained volunteers a thousand miles of coast without a fort garrisoned or adequately armed? Does he dream of his bitter political battles, when his keen intellect and singular power of directness pierced the splendid rhetoric and finished periods of the orators of that stirring time, sharper than any two-edged sword?

Does he remember nullification and smile across the Chamber at Calhoun? Does he remember the removal of the United States deposits from the great bank—the consternation of the financiers? And does he again rear that old white-crested head and say, "By the Eternal, sirs, I take the responsibility?"

Alas, he may not answer us, but we can say that with love and pride Tennessee has given into the keeping of the Nation he helped to build and which he loved so well this statue of Gen. Andrew Jackson.

"From a patriot's dream
And a soldier's sword
Was liberty won.
May the trails that they blazed
And the standards they raised
Live on and on."

ADDRESS OF MRS. ALFRED J. BROSEAU, PRESIDENT GENERAL NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION

It is particularly fitting that in the great Capitol of a great Nation there should be unveiled this marble bust in honor of the seventh President of the United States.

By such act the devoted and admiring men and women of Andrew Jackson's adopted State are not only placing an imperishable memorial in the Hall of Fame but they are also honoring themselves and the fine old State of Tennessee as well.

Our young Republic had few such patriots as this remarkable man. His country was his all-absorbing passion and he glorified every act of service by his sacrificial patriotism.

No other actor in the great drama of our colonial history has created more vivid and lasting mental pictures. No one individual has thrilled the student of that stirring period to a greater extent than this soldier who fought relentlessly under the strain of physical handicaps that would have rendered the average human being impotent.

One historian said of Andrew Jackson: "It is no wonder that this slender 6-footer should have been called 'Old Hickory,' for he could be bent in the heat and anguish of conflict but never could be broken."

Seldom quiet in body, mind, or spirit—often in the thick of some terrible conflict—he always retained the respect of those whom he opposed and not infrequently fought and vanquished. Indeed, the soul of that intrepid soldier-patriot will go marching on long after the more peaceable ones of earth have been forgotten.

I need not reiterate, for all the world knows that the administration of Andrew Jackson as President of the United States furnishes an illustration of the influence that one far-visioned man can exert in shaping the destinies of a country. Under a Chief Executive less inflexible, courageous, and intelligent the young country could hardly, with its existing handicaps, have made such remarkable progress.

To women the infinitely tender side of this tempestuous man will ever carry a singular appeal. His beautiful devotion to his wife, Rachel, has placed him among the truly great lovers of the world. The sunset of her life came just as the culminating honors and rewards of his career were reached and his days thereafter were deeply shadowed.

In this workaday world; in these restive times when pleasure, pain, misunderstanding, and inordinate ambition crowd close upon the softer, sweeter aspects of existence, such a picture of true devotion and beautiful felicity should be cherished.

In dwelling upon this phase of Andrew Jackson's remarkable and colorful life I feel as though I were opening a long-closed door and inhaling the fragrance of old lavender. In our minds and hearts may the honoring of him to-day run the gamut of human emotions, from the pinnacle of unselfish service and great achievement down to the simplicity of tender domestic ties and love of home.

Especially significant is the acceptance of this splendid memorial to a President of the far South by a President of the distant North. Time rolls back the curtain of life and the two great leaders clasp hands across the ages.

To Washington—this pied-à-terre of common ownership—have journeyed reverent sons and daughters of Andrew Jackson's own Southland. Down from the North have come many to greet and to share with them in this public tribute to their beloved statesman.

May all such gatherings of mutual interest tend toward a better and a higher patriotism, toward a deeper understanding and stronger ties of comradeship between the States which Andrew Jackson kept united because he believed in national unity.

Were he here to-day he would, I am sure, share the sentiments expressed in the following bit of verse written by a young soldier of the North during the World War:

"Here's to the blue of the wind-swept North,
When we meet on the fields of France;
May the spirit of Grant be with you all
As the sons of the North advance.

"And here's to the gray of the sun-kissed South,
When we meet on the fields of France;
May the spirit of Lee be with you all
As the sons of the South advance.

"And here's to the Blue and Gray as one,
When we meet on the fields of France;
May the spirit of God be with you all
As the sons of the Flag advance."

ADDRESS OF MR. CLAUDE G. BOWERS

Andrew Jackson, above all men, was the sword bearer of democracy in America. He translated the democratic philosophy of Jefferson into reality. He found the masses of the people potentially free; he made them free. He found popular government challenged by the most powerful financial institution of his time, and, accepting the challenge, he smote it hip and thigh and sent it staggering back before his blows to wait for better times.

Because he was the most picturesque of the Presidents, too many perhaps are prone to think of him as the D'Artagnan of the far frontier, a rough and ready fighter of the forest, honest, but impetuous to the point of temerity. We love him for his physical courage that never quailed before man born of woman. We picture him as a child of poverty and obscurity fighting for our independence and proudly bearing the scars upon his breast; as the impulsive dare-devil who broke through the barbed-wire entanglements of diplomacy in the memorable dash on Florida; and as the dynamic commander of the little band of soldiers of the woods who met the enemy at New Orleans and brilliantly avenged the humiliations of an unhappy war. We love him for his flaming passions, the dexterity of his sword, and the unvarying gallantry of his conduct—and all these things are fine. But it is not for these that men do reverence to his memory through succeeding generations; and not for these that we unveil this statue here to-day. Peace hath higher tests of manhood than battle ever knew, and Jackson's greatest services to the people were not with sword and musket in his hand but with a passionate devotion to liberty and democracy in his heart.

With independence won, we see this youthful veteran of the war turn his face to the western wilderness to fight another battle for its redemption to the purposes of man. We like to think of him braving the perils of the onward march at the head of a procession of hardy, liberty-loving men in coonskin cap and buckskin breeches. Because nature made him a leader, the men of the settlements and the log cabins in the clearings turned to him in the molding of a society that should be dedicated to liberty and democracy forever. He was the Thomas Jefferson of the Cumberland. He felt what Jefferson reasoned out. He found liberty in the unfettered life about him and democracy in the sanity and sound sense of stalwart men carving an empire out of the wilderness and depending wholly on their own brain and brawn. And he felt that men capable of creating organized society are entitled to control it. His was the democracy that blossoms freest at the edge of the woods.

Thus these bold conquerors of wild places turned to him to lead them to the ways of stability and order; and they followed him on foot and horseback along the streams and over the narrow trails to the constitutional convention at Knoxville. It did its work with that facility and felicity that goes with the doing of sound elemental things which are

always simple; and all the intervening years have not improved on the spirit of that first fundamental law.

Every man was given the right to vote, and Jackson fought for the principle all his life.

Every citizen was given the right to speak his honest thought, and he always stood for that.

Every man and woman should have the right to worship God according to the dictates of the conscience, and Jackson was always the synonym of toleration.

And in that document was one provision that breathed the very soul of Jackson, exacting from every future legislator the solemn pledge "never to consent to any act or thing whatever that shall have even a tendency to lessen the rights of the people." That pledge he took and kept, and here in later years he fought that fight and won a victory that consolidated and vindicated all the triumphs of democracy from the time of the landing of the Pilgrim Fathers.

ORGANIZER OF DEMOCRACY

Andrew Jackson was the organizer of democracy. He found the masses helpless and futile in the midst of their tools, and he taught them how to use them. He mobilized the scattered forces of ordinary men; vitalized them with his energy, fired them with his faith, and made sharpshooters of them, every one. He made the trapper in the wilderness, the worker on the wharf, the toiler in the factory, and the farmer in the field realize that the Government is his government in days of peace as well as when he is solemnly reminded of it in days of battle.

Thus he found politics an exclusive thing; he made it democratic. He regimented the masses in each community, coordinated their activities, and created leaders in every hamlet and bade them follow them as they had followed him upon the field of battle.

When they reminded him that these men of the masses were untrained in government, he answered that in a democracy it was high time to train them. When the timid cringed at the thought of these crude folk being awakened to a realization of their civic power, he consoled himself with the reflection that they were the same crude folk who battled behind him at New Orleans. He knew that men good enough to die for the Republic are good enough to have a voice in the determination of its destiny; and he knew that a nation that will exact a life and withhold a civic right is not fit to live.

Thus for some years he sat at the Hermitage busy with his pen, perfecting and consolidating a political organization along popular lines that penetrated to every nook and corner; and when at length he sounded the clarion call to battle the people rose en masse, crowded the highways with their marching columns, trampling down prejudice and precedent, and moving on to victory.

When Andrew Jackson vitalized and dynamitized American democracy he rendered a greater service to the Nation than through any of his splendid triumphs in the field. Jefferson gave the people the machinery of democracy; Jackson made them mechanicians. Jefferson gave them an idea, and Jackson gave them a sword.

HIS FIGHT ON THE BANK

Some historians are chortling still because Jackson threw open the people's house to the people, who crowded in with muddy boots to celebrate his triumph. He knew that nations are made by such as these from the corn rows and the woods and shops, and not by the gamblers in stocks and bonds.

And Jackson was sorely needed at the helm 100 years ago. There was one outstanding question then—whether America should be dominated by a democracy or plutocracy. A financial group under the direction of the National Bank had seized on power. It had its ramifications everywhere. Its lobby here held open house. When Nicholas Biddle, of the bank, came down he came as the conqueror comes, almost with flying banners and the roll of drums, and representatives of the people hastened to his presence at his beck and call, and he made it worth their while. Statesmen, not a few, were given money, and he called it loans, without security. Newspapers, all too many, were subsidized to do the master's work, and he called it loans for the encouragement of the press. The greatest statesman of them all, whose rounded periods our children still recite, sat in this very Capitol when the fight between Jackson and the bank began and wrote to Biddle soliciting "a refreshment of my retainer."

And when Jackson was warned that this great money power, with its control of credit and its corruption squad in public places, was too powerful to attack he swore by the Eternal that if any set of men had that much power they had too much power in a democracy to live.

We know the story of the memorable fight that followed. The grim old warrior grappled with the Congress and prevailed, and the fight was finally waged before the people. It was a major conflict between men and money, and as in all such struggles it seemed at first that the heavy artillery was on the side of money.

It controlled the greater portions of the press by subsidy or through snobbery. It used its money to flood the country with poison propaganda. It forced business to do its bidding through its control of credit. It called in loans and restricted credit to curtail the work of

industry, and when laborers were turned out into the street its orators, the greatest and most persuasive in the land, mingled hypocritical sympathy with denunciations of the tyrant who was wrecking the business fabric of the Nation. When the fight was fiercest and the heavy artillery of the combined forces of snobbery and plutocracy were belching thunder, and some of the stoutest hearted of his supporters quailed, he stood alone, unmoved, uncompromising at Rip Raps in Virginia looking out upon the sea and said: "Providence may change my determination, but man can no more do it than he can remove these ripples which have resisted the rolling of the ocean from the beginning of time."

And the people had faith in Jackson because he had faith in them, and moving in mighty columns to the attack they scored a victory that literally preserved democracy in America and set an inspiring example for posterity to follow.

TRIUMPHS OF FOREIGN POLICY

As he had made the people preeminent in the State, he made the Republic respected as it never had been before among the nations of the world. In the field of foreign relations his administration was marked by a procession of triumphs under the flag of peace. Where his predecessors had, with one exception, kept the peace, he linked peace with a prestige such as we had never known before.

No President has ever been more wisely served in the State Department. Martin Van Buren, suave, courtly, and learned in the laws of nations; Edward Livingston, brilliant, polished, cautious, and courageous, whose name was known to thinkers in every capital because of his famous code; John Forsyth, familiar with the courts and chancelleries, with velvet glove concealing well the iron hand within—these were the mentors of his foreign policy.

And through these he wrought results that lifted the young Republic to a position of dignity and respect among the powers. He found a general disposition to presume upon our weakness; he changed it by a show of strength. He found our claims to indemnity for spoliation lightly brushed aside through four administrations; he forced the consideration and the recognition of these claims.

Thus France for 30 years had refused to consider our claim for spoliation in the Napoleonic wars; he forced a settlement and she paid. Thus Naples saw the drift and paid, and Denmark fell in line, followed by Portugal and Spain, and wiped out old liabilities with indemnities. He sought results on the justice of our claims, without the rattling of the sword; but when the pirates of Sumatra stole our goods and murdered our people on the seas his shimmering sword instantly was out waving our infant Navy to the scene, and these outlaws of far waters were driven to their dens and notice served on all mankind that Americans everywhere are covered by the protection of our flag, and followed, if need be, by the thunder of our guns.

But the supreme triumph which marked the first awakening of the world to the advent of a new power among the nations came with the triumphant culmination of the controversy with the French. Long years before treaties of indemnity had been negotiated with every nation in the world—with all but us. Jackson determined to compel an equal consideration for our claims. A treaty was signed whereby France was to pay the indemnity and we were to admit French wines duty free. Congress immediately carried out our part of the agreement; the House of Deputies manifested no disposition to conform. Session after session passed with no suggestion of an appropriation. Jackson sent Livingston to France to persuade a settlement; and when Lafayette suggested that because of the political situation in France there would be no settlement until Jackson struck a vigorous note, he asked authority from Congress to make reprisals on French commerce as a last resort. Instantly the storm broke in both countries, to serve party politics in both. At length, with diplomatic relations broken and the two Nations on the verge of war, England offered mediation. Jackson accepted, with the Jacksonian proviso that the decision must go our way; France, having no will to war, played blind to the proviso, and in the end, with the money paid, America had scored a diplomatic triumph of the first magnitude.

Now, there was no real quarrel between the peoples of the two Nations; their friendship, deep seated in sacred memories forbade. There was no real quarrel between the two executives; they were agreed. If we were driven to the verge of war, it was because of party politics in the French House of Deputies and the American Congress. It was a politicians' quarrel, vicious and dishonorable, and an infamous quarrel, ready to wreck an ancient friendship to serve a petty party end.

It was in connection with that quarrel that a scene occurred in this very Hall reflecting glory on two great Americans which historians have seemed loath to touch upon, albeit one of the most inspiring in our history.

The debate on Jackson's policy was on here in what was then the House. The Whigs were making hypocritical attacks on Jackson as rash and dangerous. And then an old man rose from his seat over there, where later he fell, dying at his post of duty. If he was no friend of Jackson—and he was not—he was ever the friend of his country. He had been defeated by Jackson for reelection to the Presidency,

and he was not on speaking terms. He was a leader of the opposing party. But the old man rose, prodded by the pettiness of his associates, to protest against the cowardly proposal to abandon the treaty. And vibrant with feeling, the partisan absorbed in the patriot, he declared that Jackson's conduct "was high spirited and lofty, such as became the individual from whom it emanated." And here in this Hall again, answering a sophisticated party speech of Webster's, who had said that on legalistic grounds he would have opposed Jackson's policy if the enemy had been hammering at the gates, the old man brushed Jackson's party friends aside to assume the leadership, and his voice rang like a clarion: "Sir, for a man uttering such sentiments there would be but one step more, a natural and an easy one for him to take, and that would be to join the enemy in hammering at the gates."

With the Whigs dazed by the revolt and Jackson's supporters shouting their approval, and another son of Tennessee, James K. Polk, in the chair vainly pounding for order, John Quincy Adams sank into his seat. A bronze tablet over there is said to mark the spot where Adams fell; to me it means the spot where Adams rose to the heights of patriotic manhood in magnificent defense of the robust Americanism of Andrew Jackson.

A MANY-SIDED MAN

Andrew Jackson was a many-sided man. We think of him as a fighter, lusty, and gusty, and so he was; but he was a lover, too. In all the records of romance you'll search in vain for a more beautiful story of devotion than that of this grim man for his lost Rachel. Her picture stood through all the bitter days of his administrations on the table in his room, and every night this warrior lighted his kerosene lamp and read a while in Rachel's Bible as a tribute to her memory. There is something more than charming in the picture of this old man, who had fought his enemies tooth and nail throughout the day, walking the White House floor at night with a crying baby in his arms.

He was the soul of gallantry. He liked shirt-sleeves, old shoes, and pipes, but in the presence of a woman he was the soul of chivalry; and many a worldly woman who went to be amused by the crudity of a woodsman went away with the conviction that she had met one of the finest gentlemen of the age.

He had the genius of adaptability. One day he rode up aristocratic Beacon Street in Boston on his way to Harvard to receive a degree. The blinds were drawn as an affront, albeit the aristocrats were peeking through, unable to resist the presence of a hero; and in his home near by John Quincy Adams sat grumbling over the degradation of his alma mater. And at the ceremonies at the university Jackson bore himself with such propriety and dignity and played his part with such consummate grace that the intelligencia was captivated by his charm.

He was a consummate actor. No one knew better when to play the lion and when the fox. Some of the historians have simulated a fastidious shock because of his mad scenes before the distress committees sent with bank money in their pockets to divert him from his course, and they have conveyed the impression that the old man was half insane with rage. But we have the evidence of an opponent who came upon him as a delegation was departing to find him shaking with laughter until the tears rolled down his cheeks. "They thought me mad, Wise; they thought me mad. Well, I can do my share of the play acting if the stage is right." No; he never lost his head in a crisis, and in his most tempestuous moments he thought as straight as he shot from among the cotton bales of New Orleans.

But first and foremost he was the happy warrior of civil liberty and democracy, and he fought for both from early manhood to trembling age. For the service of the average man he dwelt ever in his tent, alert, awake, his sword unsheathed and ready. The people loved him because he loved them first.

Here was a man who rose to supreme power and never forgot the side of the barricade on which he was born. His devotion to human rights did not blind him to the legitimate rights of property. He was not an enemy of business; he discriminated between business and brigandage, and he was so much the friend of honest business that he fought to make it free.

His love of liberty did not make him heedless of the need of stability and order, and he worshipped that liberty only which is made pregnant by the law.

His devotion to the sovereign rights of the States did not overshadow his love of the Union, and he who spoke in action rather than in words made one superb oration in a sentence—"The Federal Union; it must and it shall be preserved."

He was a perfect judge of men and motives, and in the selection of his lieutenants he was wiser than the politicians of his day or the historians of our own. If some of these lieutenants could not read Homer in the original, all of them could translate the heartbeats of the people of the plains.

A lover of liberty, he gave his blood to it; a crusader of democracy, he gave his life to it; and liberty and democracy in America will never die so long as the people treasure the memory of his battles and follow the shimmer of Andrew Jackson's sword.

PRESENTATION OF THE SCULPTRESS

The PRESIDING OFFICER. At this time I wish to present the sculptress, Miss Belle Kinney, who collaborated with her illustrious husband, Leopold Scholz, in the creation of this statue of Andrew Jackson. Miss Kinney is a native of Tennessee.

ADDRESS OF MRS. JAMES E. CALDWELL, REPRESENTING THE HISTORICAL SOCIETIES IN ANDREW JACKSON'S DISTRICT

Women are the preservers of history, the priestesses of the past, and their ears shall not be deaf to the voices of time. We shall remember the deeds of our heroes and see that they have just recognition.

Tennessee could fill this hall with statues of her illustrious sons, three of whom were Presidents of the United States—Jackson, Polk, and Johnson—the great empire builders who added one-third of the territory to our glorious America.

We gather here this afternoon to honor Gen. Andrew Jackson, a man known to all readers of history wherever the English language is spoken.

As this statue was made possible through the efforts of the Daughters of the American Revolution of our State, aided by the pennies of our school children, it is fitting and appropriate to make mention of his domestic and family life.

General Jackson was a great warrior, but a greater patriot because of his love of country, home, and family. In his beautiful home, the Hermitage, near Nashville, Tenn., one feels the presence of his strong personality in the pictures, the state and personal papers, while his refinement of nature and taste is shown in the artistic furnishings and the quaint old flower garden, intact to-day, with the classic tomb erected by Jackson to his wife. He shows his chivalrous nature in the inscription to his beloved Rachel: "A being so gentle slander might wound, but could not dishonor."

All through his troubled life as President the one soothing thought was his home in fair Tennessee. To finish his work and rest once more under the shelter of the Hermitage was his constant thought, and now at last—

"Deep in the shadow of the friendly trees,
In that old garden of the Hermitage,
All color-crammed like some rare-pictured page
Whose quaint old patterns still essay to please;
Deep scarred and warworn, ends his pilgrimage,
Among the lily bells and wandering bees.

"His troubled heart, fierce with world's unrest,
No longer throbs while beating to the tread
Of bugle-summoned, fear-defying horde;
But dust to dust, and still breast to breast,
Bravely content beside his gentle dead,
The warrior to the lover yields his sword."

BENEDICTION

And now may the God of peace that brought again from the dead our Lord Jesus, that great Shepherd of the sheep, through the blood of the everlasting covenant, make you perfect in every good work to do His will, working in you that which is well pleasing in His sight, through Jesus Christ, to whom be glory for ever and ever. Amen.

FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3740, entitled "A bill for the control of floods on the Mississippi River and its tributaries, and for other purposes," insist on the House amendments, and agree to the conference asked for.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill S. 3740, insist on the amendments of the House, and agree to the conference asked for. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. REID of Illinois, Mr. CURRY, Mr. ROY G. FITZGERALD, Mr. WILSON of Louisiana, and Mr. DRIVER.

BRIDGE ACROSS THE OHIO RIVER AT OR NEAR HENDERSON, KY.

Mr. DENISON. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I ask unanimous consent to take from the Speaker's table the bill S. 4046 and pass it, an identical bill having been reported by the House committee.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill S. 4046 and consider it, a similar House bill being reported. The Clerk will report it by title.

The Clerk read as follows:

A bill (S. 4046) authorizing the Henderson-Ohio River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Henderson-Ohio River Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation at or near Henderson, Henderson County, Ky., across said river to a point opposite in Vanderburgh County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Henderson-Ohio River Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Henderson-Ohio River Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. From the tolls charged for the use of such bridge, the Henderson-Ohio River Bridge Co., its successors and assigns, shall pay all reasonable operating costs, taxes, assessments, insurance, cost of maintenance, repairs, necessary replacements, and interest on the bonds and dividends on the stock issued to procure necessary funds for the construction of such bridge and its approaches and other costs incidental thereto; all other funds received for the use of such bridge, after the payment of the foregoing costs and charges, shall be set aside in the manner hereinafter provided as a sinking fund for retiring the bonds and the stock issued and sold by the Henderson-Ohio River Bridge Co., its successors and assigns, for the purpose of providing the funds with which to construct said bridge and its approaches. Any mortgage or deed of trust issued by the Henderson-Ohio River Bridge Co., its successors and assigns, to secure funds for the construction of said bridge and its approaches, shall provide for the appointment of the Kentucky State Highway Commission, or such bank and trust company in Henderson County, Ky., as said commission may designate as trustee, and the net revenues received from the use of such bridge as provided for in this section, shall be paid to the trustee and used for the payment or redemption, at par, as soon as possible, of all bonds issued and sold in connection with the construction of such bridge; after all such bonds have been paid or retired, the trustee shall continue to act as such and shall apply the net proceeds from the use of such bridge as rapidly as possible to the retirement of the outstanding stock at par issued by the Henderson-Ohio River Bridge Co. in connection with the construction of such bridge. No bonds or stock issued and sold for the purpose of providing funds for the construction of said bridge, its approaches and appurtenances, shall bear interest or pay dividends at a rate exceeding 7 per centum per annum. Such bonds and stock so issued shall not exceed in the aggregate the total actual cost of constructing such bridge and its approaches and any real estate that may be necessarily required in connection therewith, and organization and financing charges, not exceeding 10 per centum of the actual cost of constructing such bridge and approaches and acquiring such real estate.

SEC. 5. When all of the bonds and stock issued and sold in connection with the construction of said bridge shall have been paid or redeemed, or shall have been called for payment or redemption, and the funds with which to redeem such as shall not have been presented for redemption shall have been provided, the bridge and its approaches and appurtenances shall thereupon be and become the property of the State of Kentucky, and the proper officials or agents of the Henderson-Ohio River Bridge Co., its successors and assigns, shall immediately, by proper deed of conveyance, convey, transfer, and assign to the State Highway Commission of the State of Kentucky, the said bridge and its approaches and all real estate, franchises, and other property necessarily held in connection therewith. Thereafter such bridge shall be maintained and operated free of tolls. An accurate record of the costs of the bridge, its approaches and appurtenances, the expenditures for maintaining, repairing, and operating the same and for taxes, insurance, betterments, and other necessary charges and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. After the completion of such bridge, the State of Kentucky, through its State highway commission, or, with the consent and approval of the State highway commission, the county of Henderson may, at

any time, acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, or expropriation, in accordance with the laws of the State of Kentucky governing the acquisition of private property for public purposes by condemnation or expropriation. If the bridge and its approaches and appurtenances are acquired by condemnation, the amount of damages or compensation to be allowed shall be such an amount as will equal the amount necessary to redeem and retire all the bonds and stock outstanding at the time of such condemnation proceedings.

SEC. 7. If such bridge shall at any time be taken over or acquired by the State of Kentucky, or by Henderson County, as provided by section 6 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund to repay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economic management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including the reasonable interest and financing cost, as soon as possible under reasonable charges. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls.

SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Henderson-Ohio River Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Without objection, the similar House bill will be laid on the table.

There was no objection.

RETURN OF A SENATE BILL

The SPEAKER. The Chair lays before the House the following order of the Senate, which the Clerk will report.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES.

Ordered, That the House of Representatives be respectfully requested to return to the Senate the bill (S. 3723) entitled "An act to amend and reenact subdivision (a) of section 209 of the transportation act, 1920."

The SPEAKER. Without objection, the request is agreed to. There was no objection.

RETURN OF A SENATE JOINT RESOLUTION

The SPEAKER. The Chair lays before the House the following order of the Senate, which the Clerk will report.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES.

Ordered, That the House of Representatives be respectfully requested to return to the Senate the resolution (S. J. Res. 129) entitled "Joint resolution to provide for the eradication of the pink bollworm and authorizing an appropriation therefor."

The SPEAKER. Without objection, the request will be agreed to.

Mr. BUCHANAN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects. The order will remain on the Speaker's table.

VETO MESSAGE FROM THE PRESIDENT—NATIONAL RIFLE MATCHES (H. DOC. NO. 251)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed.

To the House of Representatives:

Herewith is returned, without approval, H. R. 8550, a bill to amend section 133 of the national defense act, specifying the members of the National Board for the Promotion of Rifle Practice and directing that there shall be held an annual competition to be known as the national matches.

The bill provides a board to perform Federal functions at Federal expense, to be constituted of 5 officials of the Government and 51 members to be appointed by officers and agencies which are not a part of the Federal Government. The method of appointment of Federal officers is clearly defined by Article II, sections 1 and 2, of the Constitution of the United States.

I have been advised by the Attorney General that this bill is unconstitutional because it takes away from the executive branch of the Government and vests in persons not in any branch of the Federal service the power and duty to make appointments to and removals from posts in the Federal service.

The bill provides that the competition and school shall be held under such regulations as may be prescribed by the National Board for the Promotion of Rifle Practice, which regulations shall be subject to the approval of the Secretary of War. The effect of this provision is to take away from the proper Government officials the authority to make rules for the national matches and the small-arms firing school. The Secretary of War may approve or disapprove the rules and regulations prescribed by the national board but is apparently without the power to amend or to make new ones. The Secretary of War should continue to make the rules and regulations for these activities as he has done in the past, and this important function should not be delegated. The Secretary of War now has the advice of the National Board for the Promotion of Rifle Practice, which is limited to 21 members, and which functions at small expense in an entirely satisfactory manner. Through this board he is enabled to keep abreast of the needs of the citizen for this training.

A meeting of this board, consisting of 56 members, will cost approximately \$7,500 plus \$500 a day after the first day. The length of time that it will remain in session in order to carry out the duties prescribed in the bill can not be determined. This may vary from one day to an indeterminable number of days with the consequent additional expense. The executive committee of from seven to nine members, elected by the board, is given duties of a continuing nature and it is evident that it can not perform these duties without expenditures for travel and personal expenses in addition to those resulting from the annual meeting of the entire board.

A study of the appropriations made in recent years will show that exclusive of the sum, approximately \$500,000 appropriated annually for the national matches, over \$3,500,000 has been provided for small-arms ammunition for training annually in marksmanship the Army of the United States, the citizens' military training camps, the Reserve Officers' Training Corps, and some sixteen hundred rifle clubs.

The creation of a board charged with the duties prescribed in this bill is a wide departure from present law, and is in violation of sound principles of operation. This is further shown by the provision for the election by the board of a committee of from seven to nine members, charged with the executive functions of supervising and carrying out the regulations of the board. While it might be possible for this committee to designate one of its members to act for the committee, there is nothing in the bill which would prevent the committee from acting as a whole with the attendant increase in expense and confusion. The operation of this board as constituted by the bill will not result in any increase of efficiency over present procedure, while it must necessarily result in an appreciable increase in cost.

The bill authorizes the appropriation of an undetermined and indefinite amount annually as a part of the sum appropriated for national defense, while at the same time it places the expenditures of the appropriation under a group not a part of either the War or Navy Departments. I can not approve the principle of authorizing an appropriation for national defense unless the sums appropriated are to be expended under the immediate direction and supervision of those charged with the defense plans of the Nation.

To summarize, I consider the proposed legislation undesirable because it is unconstitutional in part; because it charges the War Department with the expense of certain activities over which the War Department will have little control, and takes from the War Department control it now exercises over certain matters affecting national defense; and because it authorizes an appropriation of an indefinite sum. Convinced as I am of the unwisdom of enacting this bill into law, I am constrained to return it without my approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 28, 1928.

The bill is as follows:

Be it enacted, etc., That the act entitled "An act for the promotion of rifle practice throughout the United States," approved February 14, 1927 (44 Stat. 1095), which adds an additional paragraph to section 113 of the national defense act, is hereby amended to read as follows: "That there shall be held an annual competition, known as the national matches, for the purpose of competing for a national trophy, medals, and other prizes to be provided, together with a small-arms firing school, which competition and school shall be held annually under such regulations as may be prescribed by the National Board for

the Promotion of Rifle Practice, which regulations shall be subject to the approval of the Secretary of War."

SEC. 2. Hereafter the National Board for the Promotion of Rifle Practice shall consist of the Assistant Secretary of War, the Assistant Secretary of the Navy, one member of the Regular Army to be designated by the Secretary of War, one member from the Navy to be designated by the Secretary of the Navy, one member from the Marine Corps to be designated by the commandant of the United States Marine Corps, one member from the Militia Bureau to be designated by the chief of the bureau, one member from each State to be designated by the governor of the State, one member from the District of Columbia to be designated by the commanding general, District of Columbia, and one member from the National Rifle Association of America to be designated by the executive committee thereof. Members of said board shall hold office during the pleasure of the appointing power.

The Assistant Secretary of War shall be president of the board and the Assistant Secretary of the Navy shall be vice president and perform the duties of the president in his absence or upon his request.

Said board is charged with prescribing rules and regulations for the promotion of small-arms practice in the United States, for the conduct of the national matches and the Small-Arms Firing School, and also for the conduct of the office of the director of civilian marksmanship, subject to the approval of the Secretary of War.

Said board and its executive committee shall serve without pay except to receive actual traveling and hotel expenses while absent from their respective homes for the performance of their duties and under such regulations as the Secretary of War may direct.

Said board shall meet once annually upon the call of the president of the board, at such time and place as he may designate, for the performance of its duties as prescribed in this act.

Seventeen members shall constitute a quorum for the transaction of business at such meeting.

At this meeting of the board an executive committee shall be elected of not less than seven nor more than nine members, which said committee shall have supervision over, and carry out the regulations of the board relating to, small-arms practice, the national matches, and the Small-Arms Firing School, and the director of civilian marksmanship.

SEC. 3. The national matches contemplated in this act shall consist of rifle and pistol matches for the national trophy, medals, and other prizes mentioned in section 1 above, to be open to Army, Navy, Marine Corps, National Guard, or Organized Militia of the several States, Territories, and District of Columbia, rifle clubs, and civilians, together with a small-arms firing school to be connected therewith and competitions for which trophies and medals are provided by the National Rifle Association of America; and for the cost and expenditures required for and incident to the conduct of the same, including the personal expenses of the board and executive committee, the sum necessary for the above-named purposes is hereby authorized to be appropriated annually as a part of the total sum appropriated for the national defense: *Provided*, That no competitor shall be entitled to commutation of rations in excess of \$1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress: *Provided further*, That in lieu of traveling expense and commutation of rations while traveling the sum of 5 cents per mile may be paid to civilian competitors, and such travel pay for the return trip may be paid in advance of the performance of the travel.

SEC. 4. For the incidental expenses of the national board for the promotion of rifle practice, including books, pamphlets, badges, trophies, prizes, and medals to be expended for such purposes, the sum of not more than \$7,500 is hereby authorized to be appropriated annually.

The SPEAKER. The message will be spread upon the Journal.

On motion of Mr. JAMES, the bill and message were referred to the Committee on Military Affairs of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BULWINKLE, for two weeks, on account of personal business; and

To Mr. JOHNSON of Washington, for 12 days, on account of death of his mother at Los Angeles, Calif.

FUNERAL OF HON. MARTIN B. MADDEN

Mr. TILSON. Mr. Speaker, I ask immediate consideration of a resolution, a copy of which is at the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 178

Resolved, That a committee of the House be appointed to take order for superintending the funeral of Hon. MARTIN B. MADDEN in the House of Representatives at 12 o'clock meridian on Sunday, April 29, 1928, and that the House of Representatives attend the same.

Resolved, That as a further mark of respect the remains of Mr. MADDEN be removed from Washington to Chicago, Ill., in charge of the Sergeant at Arms, attended by the committee, who shall have full power

to carry these resolutions into effect, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House communicate these proceedings to the Senate and invite the Vice President and the Senate to attend the funeral in the House of Representatives and to appoint a committee to act with the committee of the House.

Resolved, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the diplomatic corps (through the Secretary of State), the General of the Army, and the Chief of Naval Operations to attend the funeral in the Hall of the House of Representatives.

Mr. TILSON. Mr. Speaker, I move the adoption of the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following committee:

D. R. ANTHONY, Jr., Kansas; BURTON L. FRENCH, Idaho; W. W. GRIEST, Pennsylvania; FRED A. BRITTON, Illinois; LOUIS C. CRAMTON, Michigan; EDWARD E. DENISON, Illinois; EDWARD J. KING, Illinois; GEORGE H. TINKHAM, Massachusetts; EDWARD H. WASON, New Hampshire; THOMAS S. WILLIAMS, Illinois; WILLIAM R. WOOD, Indiana; MILTON W. SHREEVE, Pennsylvania; ERNEST R. ACKERMAN, New Jersey; HENRY E. BARBOUR, California; CARL R. CHINDBLOM, Illinois; L. J. DICKINSON, Iowa; GUY U. HARDY, Colorado; FRANK MURPHY, Ohio; WALTER H. NEWTON, Minnesota; JOHN W. SUMMERS, Washington; RICHARD YATES, Illinois; FRANK CLAGUE, Minnesota; M. ALFRED MICHAELSON, Illinois; ELLIOTT W. SPROUL, Illinois; ROBERT L. BACON, New York; WILLIAM P. HOLADAY, Illinois; MORTON D. HULL, Illinois; JOHN TABER, New York; MAURICE H. THATCHER, Kentucky; GEORGE A. WELSH, Pennsylvania; CHARLES ADKINS, Illinois; JOHN C. ALLEN, Illinois; ED. M. IRWIN, Illinois; WILLIAM R. JOHNSON, Illinois; JOHN T. BUCKBEE, Illinois; HOMER W. HALL, Illinois; HENRY T. RAINEY, Illinois; ADOLPH J. SABATH, Illinois; JOSEPH W. BYRNS, Tennessee; EDWARD T. TAYLOR, Colorado; JAMES P. BUCHANAN, Texas; WILLIAM B. OLIVER, Alabama; ANTHONY J. GRIFFIN, New York; WILLIAM A. AYRES, Kansas; THOMAS W. HARRISON, Virginia; WILLIAM W. HASTINGS, Oklahoma; THOMAS H. CULLEN, New York; JOHN J. CASEY, Pennsylvania; ROSS A. COLLINS, Mississippi; STANLEY H. KUNZ, Illinois; JOHN N. SANDLIN, Louisiana; WILLIAM W. ARNOLD, Illinois; WILLIAM E. HULL, Illinois; HENRY R. RATHBONE, Illinois; FRANK R. REID, Illinois; ROBERT G. SIMMONS, Nebraska; THOMAS A. DOYLE, Illinois; FRED M. VINSON, Kentucky; J. EARL MAJOR, Illinois; and JAMES T. IGOE, Illinois.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, in accordance with the resolution that has just been adopted, I move that the House do now adjourn until 12 o'clock to-morrow.

The motion was agreed to; accordingly (at 12 o'clock and 31 minutes p. m.) the House adjourned until to-morrow, Sunday, April 29, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, April 30, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON EDUCATION

(7.30 p. m.)

To consider bills on the committee calendar.

COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.)

To amend the organic act of Porto Rico, approved March 2, 1917 (H. R. 7010).

COMMITTEE ON EDUCATION

(10.30 a. m.)

To create a department of education (H. R. 7).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the act of October 28, 1919, known as the national prohibition act, as amended and supplemented, for the purpose of enforcing the eighteenth amendment to the Constitution more efficiently and preventing evasions thereof (H. R. 11410).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 12563. A bill authorizing the West Kentucky Bridge & Transportation Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky.; with amendment (Rept. No. 1395). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 12810. A bill authorizing the Henderson-Ohio River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky.; with amendment (Rept. No. 1396). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 12909. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville, North Carolina, road in Cooke County, Tenn.; with amendment (Rept. No. 1397). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 12913. A bill to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa.; without amendment (Rept. No. 1398). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12985. A bill authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River; with amendment (Rept. No. 1399). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 13069. A bill granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.; without amendment (Rept. No. 1400). Referred to the House Calendar.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 13252. A bill authorizing the attendance of the Marine Band at the Confederate Veterans' Reunion at Little Rock, Ark.; without amendment (Rept. No. 1401). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON: Committee on Foreign Affairs. H. J. Res. 286. A joint resolution to provide for the expenses of participation by the United States in the International Conference for the Purpose of Revising the International Convention for the Protection of Literary and Artistic Works; without amendment (Rept. No. 1402). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 9300. A bill for the relief of Joseph N. Marin; with amendment (Rept. No. 1403). Referred to the Committee of the Whole House.

Mr. WILLIAMS of Missouri: Committee on Naval Affairs. H. R. 9597. A bill for the relief of Fred Elias Horton; without amendment (Rept. No. 1404). Referred to the Committee of the Whole House.

Mr. WILLIAMS of Missouri: Committee on Naval Affairs. H. R. 11045. A bill to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy; without amendment (Rept. No. 1405). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2011) granting an increase of pension to Catherine Sperling; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7825) to correct the military record of Michael S. Spillane; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 12791) granting a pension to Agnes W. Case; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12854) granting a pension to Cordelia Stokes; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DRIVER: A bill (H. R. 13380) authorizing D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Helena, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. SPEAKS: A bill (H. R. 13381) to amend the national defense act; to the Committee on Military Affairs.

By Mr. GARBER: A bill (H. R. 13382) to amend section 200 of the World War veterans' act of 1924; to the Committee on World War Veterans' Legislation.

By Mr. WHITE of Maine: A bill (H. R. 13383) to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries; to the Committee on the Merchant Marine and Fisheries.

By Mr. LAGUARDIA: Resolution (H. Res. 179) directing the Postmaster General to furnish to the House of Representatives certain information for use of prohibition officials, and for other purposes; to the Committee on the Post Office and Post Roads.

Also, resolution (H. Res. 180) directing the Attorney General to furnish to the House of Representatives certain information concerning prohibition enforcement, and for other purposes; to the Committee on the Judiciary.

Also, resolution (H. Res. 181) directing the Secretary of the Treasury to furnish to the House of Representatives certain information concerning the enforcement of the prohibition act, and for other purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 13384) granting a pension to Belle M. Harris; to the Committee on Pensions.

Also, a bill (H. R. 13385) for the relief of Maj. Welton M. Modisette; to the Committee on War Claims.

By Mr. FOSS: A bill (H. R. 13386) granting an increase of pension to Hannah Connery; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 13387) granting an increase of pension to Della Langdon; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 13388) to remit the duty on a carillon of bells imported for St. Stephen's Church, Cohasset, Mass.; to the Committee on Ways and Means.

Also, a bill (H. R. 13389) to remit the duty on an addition to a carillon of bells imported for St. Stephen's Church, Cohasset, Mass.; to the Committee on Ways and Means.

By Mr. HICKEY: A bill (H. R. 13390) granting an increase of pension to Martha A. Harper; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 13391) for the relief of J. W. Nelson; to the Committee on Claims.

By Mr. MAJOR of Missouri: A bill (H. R. 13392) granting a pension to Irene Lynch; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 13393) granting an increase of pension to Louelle Simpson; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 13394) to authorize a preliminary examination and survey of the St. Johns River, Fla., in the general vicinity of Dames Point and New Berlin; to the Committee on Rivers and Harbors.

By Mr. THATCHER: A bill (H. R. 13395) granting an increase of pension to Mary Hughes; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 13396) granting an increase of pension to Elizabeth Burgess; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 13397) authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant, junior grade; to the Committee on Naval Affairs.

By Mr. ZIHLMAN: A bill (H. R. 13398) granting an increase of pension to Emma E. Sinnisen; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7298. Petition of employees of the United States navy yard, Portsmouth, N. H., urging that the present retirement law be so amended as to grant a maximum annuity of \$1,200 per annum after 30 years of service; also that urging optional retirement after 30 years' service; to the Committee on Naval Affairs.

7299. Petition of the New Jersey Conference of the Methodist Episcopal Church, held in Atlantic City, N. J., that Congress consider the establishment of a bureau of peace to promote the best possible relationships with all nations; to the Committee on Foreign Affairs.

7300. Petition of citizens of Washington, D. C., protesting against the Lankford Sunday blue law; to the Committee on the District of Columbia.

7301. By Mr. COOPER of Wisconsin: Petition of residents of Beloit and other places in Wisconsin, protesting against the passage of the Lankford Sunday bill (H. R. 78) or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7302. By Mr. DAVENPORT: Petition of Byron S. Potts and other members of the Bacon Post, Veterans of the Civil War, at Utica, N. Y., urging the passage of a bill to increase the pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7303. By Mr. GRIEST: Petition of Mina Rohrer, George E. Downey, Daisy M. Dettlerline, and other residents of Lancaster, Pa., urging enactment of a law providing increased rates of pension for Civil War survivors and Civil War widows; to the Committee on Invalid Pensions.

7304. By Mr. LOZIER: Petition of 42 citizens of Marceline, Mo., urging the enactment of more liberal pension laws; to the Committee on Invalid Pensions.

7305. Also, petition of 16 citizens of Hale, Mo., urging the enactment of more liberal pension laws; to the Committee on Invalid Pensions.

7306. By Mr. O'CONNELL: Petition of the General Harrison Gray Otis Post, No. 1537, Veterans of Foreign Wars of the United States, Los Angeles, Calif., favoring the passage of House bill 6523, the Wurzbach bill; to the Committee on Military Affairs.

7307. By Mr. HADLEY: Petition of residents of Washington State, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

7308. By Mr. O'CONNELL: Petition of Harry Stamm, of Brooklyn, N. Y., and 12 other citizens of Brooklyn, N. Y., protesting against the passage of the Lankford bill for compulsory Sunday observance; to the Committee on the District of Columbia.

7309. Also, petition of the Ellay Co. (Inc.), of New York City, favoring the old rate of postage of 1 cent on third-class matter; to the Committee on the Post Office and Post Roads.

7310. By Mr. PORTER: Petition of citizens of Tarentum, Pa., favoring the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7311. Also, resolution of the American Legion, Department of Pennsylvania, York, Pa., urging the enactment into law of legislation for the retirement of emergency Army officers; to the Committee on Military Affairs.

7312. By Mr. RATHBONE: Petition signed by approximately 80 residents of Chicago, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

7313. By Mr. WINTER: Resolution re House bill 9956, from E. W. Powell, president Casper Lions Club, Casper, Wyo., and F. H. Healey, president Saratoga Lions Club, Saratoga, Wyo.; to the Committee on Irrigation and Reclamation.

SENATE

SUNDAY April 29, 1928

(Legislative day of Saturday, April 28, 1928)

The Senate reassembled at 11.45 o'clock a. m., on the expiration of the recess.

FUNERAL OF THE LATE REPRESENTATIVE MADDEN

The VICE PRESIDENT. In accordance with Senate Resolution 211, the Senate will now proceed to the Hall of the House of Representatives to attend the funeral of the late Representative MARTIN B. MADDEN, of Illinois, and at the conclusion of the exercises will stand adjourned until 12 o'clock noon to-morrow.